



DECISION ON REQUEST FOR REVIEW

Case no. CH/99/2340

Novica ŽIVANOVIĆ

against

THE REPUBLIKA SRPSKA

The Human Rights Chamber for Bosnia and Herzegovina, sitting in plenary session on 10 May 2001 with the following members present:

Ms. Michèle PICARD, President
Mr. Giovanni GRASSO, Vice-President
Mr. Dietrich RAUSCHNING
Mr. Hasan BALIĆ
Mr. Želimir JUKA
Mr. Jakob MÖLLER
Mr. Mehmed DEKOVIĆ
Mr. Manfred NOWAK
Mr. Miodrag PAJIĆ
Mr. Vitomir POPOVIĆ
Mr. Viktor MASENKO-MAVI
Mr. Andrew GROTRIAN
Mr. Mato TADIĆ

Mr. Peter KEMPEES, Registrar
Ms. Olga KAPIĆ, Deputy Registrar

Having considered the applicant's request for a review of the decision of the Second Panel of the Chamber on the admissibility of the aforementioned case;

Having considered the First Panel's recommendation;

Adopts the following decision pursuant to Article X(2) of the Human Rights Agreement ("the Agreement") set out in Annex 6 to the General Framework Agreement for Peace in Bosnia and Herzegovina as well as Rules 63-66 of the Chamber's Rules of Procedure:

I. FACTS AND COMPLAINTS

1. The Chamber refers to the decision of the Second Panel, which is appended to the present decision (Annex 1).

II. SUMMARY OF THE PROCEEDINGS BEFORE THE CHAMBER

2. On 18 April 2000 the Second Panel's decision was communicated to the parties in pursuance of Rule 52. The applicant received the decision on 3 May 2000. On 1 June 2000 the applicant submitted a request for a review of the decision.

3. In accordance with Rule 64(1) the request was considered by the First Panel.

III. THE REQUEST FOR REVIEW

4. The Chamber refers to the request for review, which is appended to the present decision (Annex 2).

IV. OPINION OF THE FIRST PANEL

5. The First Panel notes that the party seeking review, being the applicant in the proceedings which led to the original decision, lodged the request for review complaining of the criminal proceedings against the person who killed his son. The First Panel agrees that the applicant's complaints are partly inadmissible *ratione temporis*. In so far as the applicant complains of decisions taken by the courts since the Agreement came into force, the First Panel considers that even if Article 6 could apply in criminal proceedings where a compensation claim is raised, no apparent violation of this Article occurred. The whole circumstances of the particular case do not, therefore, justify reviewing the decision. Moreover, this case involves neither a serious question affecting the interpretation or application of the Agreement nor a serious issue of general importance.

6. That being so the First Panel, unanimously, recommends that the plenary Chamber not accept the request.

V. OPINION OF THE PLENARY CHAMBER

7. The plenary Chamber agrees with the First Panel that, for the reasons stated, the request for review does not meet the two conditions required for the Chamber to accept such a request pursuant to Rule 64(2).

VI. CONCLUSION

8. For these reasons, the Chamber, unanimously,

REJECTS THE REQUEST FOR REVIEW.

(signed)
Peter KEMPEES
Registrar of the Chamber

(signed)
Michèle PICARD
President of the Chamber