



DECISION ON REQUEST FOR REVIEW

Case no. CH/99/2544

Verica SIMIĆ

against

**BOSNIA AND HERZEGOVINA
and
THE FEDERATION OF BOSNIA AND HERZEGOVINA**

The Human Rights Chamber for Bosnia and Herzegovina, sitting in plenary session on 7 February 2002 with the following members present:

Ms. Michèle PICARD, President
Mr. Giovanni GRASSO, Vice-President
Mr. Dietrich RAUSCHNING
Mr. Hasan BALIĆ
Mr. Rona AYBAY
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. Ulrich GARMS, Registrar
Ms. Olga KAPIĆ, Deputy Registrar

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

Having considered the Second 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 AND SUMMARY OF THE PROCEEDINGS BEFORE THE CHAMBER

1. In her application filed on 11 June 1999, the applicant complained of the failure of the competent authorities to execute a decision of the Commission for Real Property Claims of Displaced Persons and Refugees (CRPC), confirming her occupancy right over an apartment located at Semira Frašte 13/8 (formerly Tetovska 13/8) in Sarajevo, Municipality Novi Grad. The applicant claimed that her rights as guaranteed by Articles 6, 8 and 14 of the European Convention on Human Rights (“the Convention”) had been violated.

2. On 7 December 2001 the First Panel issued a decision finding that the non-enforcement of the decisions of the CRPC constituted a violation of the applicant’s right to respect for her home, within the meaning of Article 8 of the Convention, and the applicant’s right to peaceful enjoyment of her possessions, within the meaning of Article 1 of Protocol No. 1 to the Convention. Accordingly the Chamber found that the Federation thereby was in breach of Article I of the Agreement and ordered the Federation to enable the applicant to regain possession of her apartment without further delay and at the latest one month after the date on which the decision becomes final and binding in accordance with Rule 66 of the Chamber’s Rules of Procedure. The Federation was further ordered to pay the applicant 4600 Convertible Marks (*Konvertibilnih Maraka*, “KM”), composed of KM 1200 by way of compensation for non-pecuniary damage and KM 3400 by way of compensation for the loss of use of her home. Finally, the Chamber rejected the applicant’s request to order the respondent Party, as a provisional measure, to make an inventory list, to establish the state of the apartment and to prohibit any disposal of her moveable property and of the apartment until she was reinstated. On 11 January 2002 the First Panel’s decision was delivered at a public hearing in pursuance of Rule 60(2) of the Chamber’s Rules of Procedure.

3. On 22 January 2002 the applicant submitted a request for review of the decision. In accordance with Rule 64(1) the request for review was considered by the Second Panel.

II. THE REQUEST FOR REVIEW

4. In her request for review, the applicant challenges the First Panel’s decision on the grounds (a) that she was not granted any compensation for her claimed travel expenses, her destroyed movable property and fixtures (b) that the First Panel did not find a violation of her right not to be discriminated against and (c) that the First Panel rejected her request to order the respondent Party, as a provisional measure, to make an inventory list.

III. OPINION OF THE SECOND PANEL

5. The Second Panel notes that the request for review has been lodged within the time limit prescribed by Rule 63(3)(a). The Second Panel recalls that under Rule 64(2) the Chamber shall not accept the request unless it considers (a) that the case raises a serious question affecting the interpretation or application of the Agreement or a serious issue of general importance and (b) that the whole circumstances justify reviewing the decision.

6. The Second Panel is of the opinion that the grounds upon which the applicant’s request for review is based were in essence already examined and rejected by the First Panel when it considered the case. Furthermore, the applicant has failed to provide any grounds why the request for review raises “a serious question affecting the interpretation or application of the Agreement or a serious issue of general importance” and that “the whole circumstances justify reviewing the decision”.

7. As the request for review fails to meet the two requirements set forth in Rule 64(2), the Second Panel unanimously recommends that the request be rejected.

IV. OPINION OF THE PLENARY CHAMBER

8. The plenary Chamber agrees with the Second 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).

V. CONCLUSION

9. For these reasons, the Chamber, unanimously,

REJECTS THE REQUEST FOR REVIEW.

(signed)
Ulrich GARMS
Registrar of the Chamber

(signed)
Michèle PICARD
President of the Chamber