



DECISION ON REQUEST FOR REVIEW

Case No. CH/99/2934

Pavle CINDRIĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting in plenary session on 11 October 2001 with the following members present:

Ms. Michèle PICARD, 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 to strike out;

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

1. The Chamber refers to the decision of the First Panel, by which the application was struck off the list and which is appended to the present decision (Annex 1).

II. SUMMARY OF THE PROCEEDINGS BEFORE THE CHAMBER

2. On 21 March 2001 the First Panel's decision was communicated to the parties in pursuance of Rule 52. On 23 April 2001 the applicant submitted a request for a review of the decision.

3. In accordance with Rule 64(1) the request was considered by the Second 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 SECOND PANEL

5. According to Rule 63(3)(b), a request for review must be submitted to the Chamber within one month after the decision has been communicated to the parties. Although the Second Panel notices the possible delay of the submission of the request for review according to Rule 63(2), it none the less takes the case into consideration.

6. According to Rule 64(2), the request for review should not be accepted, unless the Chamber 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.

7. The applicant claims that he suffered damages as a result of his untimely reinstatement into possession of his apartment, firstly, because he paid rent for the accommodation he used before he could return to Vogošća and, secondly, because the alternative accommodation that he was allocated on his return to Vogošća, was inadequate.

8. The Second Panel considers that the main issue in this case is resolved and there are no special circumstances regarding respect for human rights which require a further examination by the Chamber. The arguments of the applicant do not raise a serious question affecting the interpretation or application of the Agreement or a serious issue of general importance and therefore do not satisfy the first condition set out in rule 64(2). Consequently, as the request for review does not meet the first of the two conditions set out in Rule 64(2), the Second Panel unanimously recommends that it be rejected.

V. OPINION OF THE PLENARY CHAMBER

9. The plenary Chamber notes that it has no discretion to extend the time-limit provided in rule 63(3)(b) for the submission of requests for review. In the present case, it has not been established when the applicant received the decision on admissibility. However, as the plenary Chamber agrees with the Second Panel that, for the reasons stated, the request for review does not meet the condition required for the Chamber to accept such a request pursuant to Rule 64(2), it need not decide whether the request was timely under Rule 63(3)(b).

VI. CONCLUSION

10. 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