DECISION ON REQUEST FOR REVIEW

case No. CH/98/834

O.K.K.

against

THE REPUBLIKA SRPSKA

The Human Rights Chamber for Bosnia and Herzegovina, sitting in plenary session on 10 May 2001 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 respondent Party's request for a review of the decision of the Second Panel of the Chamber on the admissibility and merits 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 9 March 2001 the Second Panel's decision was delivered in pursuance of Rule 60. On 27 March 2001 the respondent Party 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, firstly, that the party seeking review, being the respondent Party in the proceedings which led to the original decision, disagrees with the award of monetary compensation made by the Second Panel in favour of the applicant. It argues in particular that the Second Panel failed to establish that the damage claimed by the applicant was actually incurred. However, that does not raise a "serious question affecting the interpretation or application of the Agreement" or a "serious issue of general importance" (see case no. CH/97/59, *Rizvanović*, decision on request for review of 13 November 1998, Decisions and Reports 1998). Moreover, the First Panel is of the opinion that the Second Panel's award of compensation is based on adequate grounds, especially since it is in accordance with the case-law of the plenary Chamber (see cases nos. CH/00/6143 and CH/00/6150, *Turundžić* and *Frančić*, decision on admissibility and merits, delivered on 8 February 2001, paragraph 70).

6. The First Panel notes, secondly, that the party seeking review disagrees with the interest rate of 10 % over any outstanding sums should the respondent Party fail to pay the sums due to the applicant within the time-limits specified in the original decision. However, that does not raise a "serious question affecting the interpretation or application of the Agreement" or a "serious issue of general importance". The First Panel notes in addition that the award of default interest at the rate of 10 % is in conformity with the case-law of the plenary Chamber (see case no. CH/00/6142, *Petrović*, decision on admissibility and merits, delivered on 9 March 2001, paragraph 72.)

7. The First Panel is further of the opinion that it cannot be said that "the whole circumstances justify reviewing the decision". Consequently, since the request for review does not meet either of the conditions set out in Rule 64(2), the First Panel unanimously recommends that the plenary Chamber not accept the request.

V. OPINION OF THE PLENARY CHAMBER

8. 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

9. 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