



DECISION TO STRIKE OUT

Case no. CH/98/1015

Mirko ANTIĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 8 September 1999 with the following members present:

Ms. Michèle PICARD, President
Mr. Rona AYBAY, Vice-President
Mr. Hasan BALIĆ
Mr. Dietrich RAUSCHNING
Mr. Želimir JUKA
Mr. Miodrag PAJIĆ
Mr. Andrew GROTRIAN

Mr. Anders MÅNSSON, Registrar
Ms. Olga KAPIĆ, Deputy Registrar

Having considered the aforementioned application introduced pursuant to Article VIII(1) of the Human Rights Agreement ("the Agreement") set out in Annex 6 to the General Framework Agreement for Peace in Bosnia and Herzegovina;

Adopts the following decision pursuant to Article VIII(3) of the Agreement as well as Rule 49(2) and 52 of the Chamber's Rules of Procedure:

I. FACTS

1. The applicant is the owner of a house located at Bare Street No. 1/75, Tuzla. He left the house due to the hostilities. On 12 May 1997 the applicant applied to the Secretariat for Housing and Communal Affairs (“the Secretariat”) of the Municipality of Tuzla (“the Municipality”) to be allowed to regain possession of his house. On 24 November 1997 the Secretariat issued a decision entitling him to continue using his house. The applicant also applied under the Law on the Cessation of Application of the Law on the Use of Abandoned Property. On 15 December 1998 the Municipal Service of Geodetic and Property Affairs issued a decision allowing the applicant to regain possession of his house. The decision became enforceable on 15 March 1999.

II. COMPLAINT

2. The applicant did not allege specific violations of his human rights as protected by the Agreement.

III. PROCEEDINGS BEFORE THE CHAMBER

3. The application was introduced on 8 October 1998 and registered on the same day.

4. On 7 June 1999 the First Panel decided pursuant to Rule 49(3)(a) of the Rules of Procedure to request the applicant to provide certain information regarding the steps he had taken in order to enter into possession of his house. On 17 June 1999 the Registry wrote to the applicant asking him to provide the mentioned information.

5. On 23 July 1999 the applicant informed the Chamber that he had entered into possession of his house and realised all of his rights in that regard.

IV. OPINION OF THE CHAMBER

6. According to Article VIII(3) of the Agreement, the Chamber may at any point decide to strike out an application on the ground that (a) the applicant does not intend to pursue his application; (b) the matter has been resolved; or (c) for any other reason established by the Chamber, it is no longer justified to continue the examination of the case. In all these situations, however, a decision to strike out an application must be consistent with the objective of respect for human rights.

7. In the present case the Chamber notes that the only request the applicant put before the Chamber and the domestic organs was to regain possession of his house. His request was granted by the Municipality, and subsequently, he entered into possession of his house.

8. Accordingly, the Chamber concludes that the underlying matter which the application concerns has been resolved. In these circumstances it is no longer justified to continue the examination of the case and such an outcome would not be inconsistent with the objective of respect for human rights.

V. CONCLUSION

9. For these reasons, the Chamber unanimously,

STRIKES OUT THE APPLICATION.

(signed)
Anders MÅNSSON
Registrar of the Chamber

(signed)
Michèle PICARD
President of the First Panel