



DECISION TO STRIKE OUT

Case no. CH/97/72

Ivan PERANIĆ

against

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

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 9 October 1999 with the following members present:

Mr. Viktor MASENKO-MAVI, Acting President
Mr. Jakob MÖLLER
Mr. Mehmed DEKOVIĆ
Mr. Manfred NOWAK
Mr. Mato TADIĆ

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 52 of the Chamber's Rules of Procedure:

I. FACTS

1. The applicant is an occupancy right holder over an apartment on Ante Babića No. 5/VIII in Novi Grad in Sarajevo. The applicant left Sarajevo because of the hostilities during which time the applicant's apartment was declared permanently abandoned and allocated to another person.
2. The applicant returned to Sarajevo on 13 March 1996 and instituted proceedings in order to regain possession of his apartment. On 20 February 1999 the applicant returned to his apartment.

II. COMPLAINTS

3. The application raised issues under Articles 6 and 13 of the European Convention on Human Rights and Article 1 of Protocol No. 1 to the Convention.

III. PROCEEDINGS BEFORE THE CHAMBER

4. The application was introduced on 13 October 1997 and registered on 25 November 1997.
5. On 1 June 1998 the Second Panel transmitted the application for observations by the respondent Party pursuant to Rule 49(3)(b) of the Rules of Procedure. On 29 June 1998 the respondent Party submitted its observations on admissibility and merits.
6. On 22 July 1999 the Chamber requested information on the applicants' attempts to re-enter his apartment. The applicant replied on 11 August 1999, stating that he had entered into possession of his apartment on 20 February 1999.

IV. OPINION OF THE CHAMBER

7. 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.
8. In the present case the Chamber recalls that the only request the applicant put before the Chamber and the domestic organs was to regain possession of his apartment. His request was granted and, subsequently, he entered into possession of his apartment.
9. Accordingly, the Chamber concludes that the underlying matter of the application has been resolved. In these circumstances it is no longer justified to continue the examination of the case. Moreover, such an outcome would not be inconsistent with the objective of respect for human rights.

V. CONCLUSION

10. For these reasons, the Chamber, unanimously,

STRIKES OUT THE APPLICATION.

(signed)
Anders MÅNSSON
Registrar of the Chamber

(signed)
Viktor MASENKO-MAVI
Acting President of the Second Panel