



DECISION TO STRIKE OUT

Case no. CH/99/1577

Petar BARIŠIĆ

against

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

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 6 April 2000 with the following members present:

Mr Andrew GROTRIAN, Acting President
Mr Dietrich RAUSCHNING
Mr Hasan BALIĆ
Mr Rona AYBAY
Mr Želimir JUKA
Mr Miodrag PAJIĆ

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 and Rules 49(2) and 52 of the Chamber's Rules of Procedure:

I. FACTS

1. Before the war in Bosnia and Herzegovina, the applicant, a citizen of Bosnia and Herzegovina, and his wife and son lived in an apartment in Sarajevo. His wife was the occupancy right holder over the apartment. In 1993, after his wife and son had died, he gained proper authorisation to leave Bosnia and Herzegovina for three months to receive medical treatment. The applicant was unable to return, however, until after the cessation of hostilities.

2. Upon his return the applicant discovered that his apartment had been broken into and was being illegally occupied by another family. In 1996 he began proceedings to have the current occupants evicted and to regain possession of his apartment. These proceedings continued until 1 November 1999 when he regained possession of the apartment. The applicant informed the Chamber of his repossession, and that he therefore no longer wished to pursue his application, on 28 March 2000.

II. COMPLAINTS

3. The applicant complained that his right to respect for his home and private life, his right to property and his right to a fair hearing within a reasonable time were violated.

III. PROCEEDINGS BEFORE THE CHAMBER

4. The application was introduced on 15 February 1999 and registered on 17 February 1999.

IV. OPINION OF THE CHAMBER

5. 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.

6. In this case, the applicant informed the Chamber that he had regained possession of his apartment and no longer wished to pursue his application. Moreover, the Chamber concludes that the underlying matter 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

7. For these reasons, the Chamber, unanimously,

STRIKES OUT THE APPLICATION.

(signed)
Anders MÅNSSON
Registrar of the Chamber

(signed)
Andrew GROTRIAN
Acting President of the First Panel