



DECISION TO STRIKE OUT

CASE No. CH/99/1441

Vojin VUKOVIĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 6 September 2001 with the following members present:

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

Mr. Ulrich GARMS, 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)(c) of the Agreement and Rules 49(2) and 52 of the Chamber's Rules of Procedure:

I. INTRODUCTION

1. The application was introduced on 15 January 1999.
2. The applicant requested reinstatement into his pre-war apartment in Sarajevo, ulica Zmaja od Bosne 62.
3. On 27 February 2001 the Chamber sent the applicant's representative a letter asking for more detailed information and informing the applicant about the possibility of lodging a compensation claim. On 12 March 2001 the applicant's representative informed the Chamber that the applicant had entered into possession of his apartment on 18 December 2000. The applicant's representative stated in this letter that she was leaving it to the Chamber to decide on an award of compensation of damages.

II. OPINION OF THE CHAMBER

4. In accordance with Article VIII(3) of the Agreement, "the Chamber may decide at any point in its proceedings to suspend consideration of, reject or strike out, an application on the ground that ... (c) for any other reason established by the Chamber, it is no longer justified to continue the examination of the application; provided that such a result is consistent with the objective of respect for human rights."
5. Having regard to Article VIII(3) of the Agreement, the Chamber finds that the principal matter raised in the application has been resolved. It further considers that it is not justified to continue the consideration of the application solely to decide on the compensation in this case. Furthermore, the Chamber finds no special circumstances regarding respect for human rights which require the examination of the application to be continued. The Chamber therefore finds it appropriate to strike out the application.

III. CONCLUSION

6. For these reasons, the Chamber, unanimously,

STRIKES OUT THE APPLICATION.

(signed)
Ulrich GARMS
Registrar of the Chamber

(signed)
Michèle PICARD
President of the First Panel