



## **DECISION TO STRIKE OUT**

**CASE No. CH/00/3701**

**Milenko GARAČA**

**against**

**THE FEDERATION OF BOSNIA AND HERZEGOVINA**

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 12 October 2001 with the following members present:

Ms. Michèle PICARD, President  
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) of the Agreement and Rules 49(2) and 52 of the Chamber's Rules of Procedure:

## **I INTRODUCTION**

1. The application was introduced on 21 March 2000.
2. The applicant complained of his inability to return to his pre-war apartment located at Ulica Trg ZAVNOBiH-a 20/II in Sarajevo.
3. The application was transmitted to the respondent Party on 7 May 2001. On 21 June 2001 the respondent Party submitted its observations, stating that the applicant had regained possession of the apartment in question.
4. On 30 July 2001 the applicant informed the Chamber that he had been reinstated into his apartment on 24 April 2001 and that he therefore did not wish to pursue the proceedings before the Chamber .

## **II OPINION OF THE CHAMBER**

5. 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 (a) the applicant does not intend to pursue his application; ... provided that such result is consistent with the objective of respect for human rights."
6. The Chamber finds that the applicant does not wish to pursue his application. 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**

7. For these reasons, the Chamber, unanimously,

**STRIKES THE APPLICATION OUT.**

(signed)  
Ulrich GARMS  
Registrar of the Chamber

(signed)  
Michèle PICARD  
President of the First Panel