



## **DECISION TO STRIKE OUT**

**Case no. CH/99/1603**

**Momčilo BOŽIĆ**

**against**

**THE FEDERATION OF BOSNIA AND HERZEGOVINA**

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 9 April 2002 with the following members present:

Ms. Michèle PICARD, President  
Mr. Rona AYBAY, Vice-President  
Mr. Dietrich RAUSCHNING  
Mr. Hasan BALIĆ  
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)(b) of the Agreement and Rules 49(2) and 52 of the Chamber's Rules of Procedure:

**I. INTRODUCTION**

1. The application was introduced on 17 February 1999.
2. The applicant complained of his inability to repossess his pre-war property, a gas station, located at St. Safeta Zajke bb, in Brijuni.
3. The application was transmitted to the Federation of Bosnia and Herzegovina ("the Federation") for its observations on admissibility and merits on 7 May 2001. On 21 June 2001 the Federation submitted its observations, stating that the applicant had regained possession of his property on 26 February 2001.
4. On 27 February 2002 a letter was sent to the applicant to ask him to confirm that he has been reinstated into possession of his property. On 19 March 2002 the letter was returned to the Chamber with a note stating that the applicant has changed his address.

**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 ... (b) the matter has been resolved; ... provided that such a result is consistent with the objective of respect for human rights."
6. Considering that the applicant appears to have been reinstated into possession of his property, the Chamber finds that the matter raised in the application has been resolved. The Chamber notes that it was the applicant's duty to inform it of changes in his address. The fact that the Chamber has not received confirmation of the reinstatement by the applicant, can therefore only be imputed to him. 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 decides to strike out the application.

**III. CONCLUSION**

7. 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