



DECISION TO STRIKE OUT

Case no. CH/98/216

Ekrem DURİĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 5 July 2002 with the following members present:

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

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 21 August 1996 with the Ombudsperson for Bosnia and Herzegovina. On 17 February 1998 the Ombudsperson for Bosnia and Herzegovina referred the case to the Chamber.
2. The case concerns the applicant's attempts to regain possession of his pre-war apartment, located in Sarajevo, Ašikovac Street no. 6/I.
3. The case was transmitted to the respondent Party for its observations on 1 June 1998. The respondent Party made submissions on 22 June 1998. The applicant replied on 27 July 1998.
4. On 23 May 2002 the Chamber sent letters to both parties asking for information about the developments in the case. The applicant's representative received the letter on 28 May 2002, but he did not reply.
5. On 3 June 2002 the respondent Party submitted observations informing the Chamber that the applicant regained possession of his apartment on 10 April 2001. The official records concerning the applicant's reinstatement into possession were attached to these observations. The applicant received the respondent Party's observations on 19 June 2002. However, the Chamber has not received any reply from the applicant concerning his reinstatement.

II OPINION OF THE CHAMBER

6. 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."
7. Considering that the applicant regained possession of his pre-war apartment and that he has failed to reply to the Chamber's letter, the Chamber finds that the matter raised in the application has been resolved. 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

8. For these reasons, the Chamber, unanimously,

STRIKES THE APPLICATION OUT.

(signed)
Ulrich Garms
Registrar of the Chamber

(signed)
Giovanni GRASSO
President of the Second Panel