



DECISION TO STRIKE OUT

Case no. CH/98/203

Branko and Zorka MEDAN

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 5 July 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 14 October 1996 with the Ombudsperson for Bosnia and Herzegovina. On 17 February 1998 by the Ombudsperson for Bosnia and Herzegovina referred the case to the Chamber.
2. The case concerns the applicants' attempts to regain possession of their pre-war apartment, located in Sarajevo, Rizaha Štetića Street no. 4/I.
3. The case was transmitted to the respondent Party for its observations on 1 June 1998. The respondent Party made submissions on 29 June 1998. The applicant made submissions on 8 June 1999.
4. On 23 May 2002 the Chamber sent letters to both parties asking for information about the developments in the case.
5. On 6 June 2002 the applicants submitted a letter informing the Chamber that they had regained possession of their pre-war apartment and purchased it. The date of repossession is not specified by the applicants.

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 applicants regained possession of their apartment, 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)
Michèle PICARD,
President of the First Panel