



DECISION TO STRIKE OUT

Case no. CH/98/223

Dane ŠOLAJA

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 10 June 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, Zmaja od Bosne Street no. 26/VI.
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 and 4 June 1999. The applicant made submissions on 5 July 1999.
4. On 23 May 2002 the Chamber sent letters to both parties asking for information about the developments in the case.
5. On 10 June 2002 the respondent Party submitted observations informing the Chamber that the respondent Party established by an on site investigation that the applicant has occupied his apartment since November 1999. The respondent Party enclosed the record on the on site investigation of 31 May 2002. The applicant did not reply to the request for confirmation from the Chamber.

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 did not 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)
Michèle PICARD
President of the First Panel