



DECISION TO STRIKE OUT

Case no. CH/01/8327

Edhem ALIŠAHOVIĆ

against

**BOSNIA AND HERZEGOVINA
and
THE REPUBLIKA SRPSKA**

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 5. September 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)(a) of the Agreement and Rules 49(2) and 52 of the Chamber's Rules of Procedure:

I. INTRODUCTION

1. The application was introduced on 29 October 2001. The case concerns the applicant's attempts to be reinstated into his pre-war apartment and garage (the "property"), located at ul. Svetog Save S-21, Bosanski Brod /Srpski Brod in the Republika Srpska, according to the procedural decision of the Ministry for Refugees and Displaced Persons - the Department of Srpski Brod (Ministarstvo za izbjeglice i raseljena lica-Odsjek Srpski Brod) of 3 July 2000. On 11 February and 21 May 2002 the applicant informed the Chamber on further developments in his case and submitted additional documentation regarding the apartment.

2. On 8 July 2002 the Chamber received a letter from the applicant stating that the he has repossessed his apartment on 1 July 2002. The applicant therefore withdraws the application before the Chamber.

II. OPINION OF THE CHAMBER

3. 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 her application; ... provided that such a result is consistent with the objective of respect for human rights."

4. The Chamber notes that the applicant has informed it that he does not intend 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 decides to strike out the application.

III. CONCLUSION

5. 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