



DECISION TO STRIKE OUT

Case no. CH/00/6427

Hasan HAJIĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

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. Hasan BALIĆ
Mr. Dietrich RAUSCHNING
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 as well as Rules 49(2) and 52 of the Chamber's Rules of Procedure:

I. INTRODUCTION

1. This case concerns the applicant's attempts to regain possession of his pre-war property, located in Sanski Most, Muhići no. 54.
2. The applicant initiated proceedings to regain possession of his property on 30 March 1999. The Ministry of Refugees and Displaced Persons of the Republika Srpska issued a procedural decision allowing the applicant to return into possession of the property and ordering the temporary occupant to leave the applicant's property within 90 days. On 13 November 2000, the Ministry of Refugees and Displaced Persons issued a conclusion allowing implementation of this decision. The applicant regained possession of his property on 2 March 2001.

II. PROCEEDINGS BEFORE THE CHAMBER

3. The application was introduced on 1 December 2000 and registered on 2 December 2000.
4. The applicant complained that his rights guaranteed under Article 6 of the European Convention on Human Rights (the "Convention") and Article 1 of Protocol No. 1 to the Convention had been violated.
5. On 9 April 2001, the applicant submitted a letter to the Chamber informing it that he has regained possession of his property and that he withdraws his application.

III. 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 has been reinstated into possession of his property and that he informed the Chamber that his problem has been solved and he has no intention to continue the proceedings before the Chamber, 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.

IV. CONCLUSION

8. 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