



## **DECISION TO STRIKE OUT**

**Case no. CH/98/227**

**Velimir ULJAREVIĆ**

**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 apartment, located in Sarajevo, La Benevolncija 14/II.
2. The applicant initiated proceedings to regain possession of his apartment on 27 May 1998. He finally regained possession of his apartment on 26 July 2001. However, it appears that in accordance with domestic law, the applicant was deprived of entering into possession of his apartment earlier because the occupant of his apartment was within a category of persons who was entitled to emergency accommodation.

## **II. PROCEEDINGS BEFORE THE CHAMBER**

3. The application was introduced on 24 February 1998 and registered on 6 March 1998.
4. On 1 June 1998 the Chamber transmitted the application to the respondent Party for its observations on the admissibility and merits under Articles 6 and 8 of the European Convention on Human Rights (the "Convention") and Article 1 of Protocol No. 1 to the Convention.
5. On 1 February 2002 the respondent Party submitted a letter to the Chamber informing it that the applicant had been reinstated into the apartment in question.
6. On 24 May 2002 the Registry sent a letter to the applicant at his pre-war address asking him whether he had resolved his case and whether he wanted to continue the proceedings before the Chamber. The applicant never replied to this letter. According to the return receipt, he received this letter on 27 May 2002.

## **III. OPINION OF THE CHAMBER**

7. 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."
8. Considering that the applicant has been reinstated into possession of his property and that he has not replied to the letter from the Chamber asking him to express his 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**

9. 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