



DECISION TO STRIKE OUT

Case no. CH/99/1445

Miloje TRIFUNOVIĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 5 December 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 18 January 1999 and registered on the same day.
2. The applicant complained of his inability to repossess his pre-war apartment, located at Ulica Hendina no. 4/II, in Sarajevo.
3. On 27 June 1997 the applicant submitted a claim to repossess his pre-war apartment to the Commission for Real Property Claims of Displaced Persons and Refugees.
4. On 9 September 1998, acting on the applicant's request, the Administration for Housing Affairs of the Sarajevo Canton ("Administration") issued a procedural decision approving the applicant as the occupancy right holder and allowing him to repossess the apartment.
5. On 15 November 2001 the applicant's representative submitted a letter to the Chamber expressly stating that the applicant was reinstated into possession of his pre-war apartment and does not intend to pursue his application any more.

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 (a) the applicant does not intend to pursue his application; ... provided that such a result is consistent with the objective of respect for human rights."
7. 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

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