



DECISION TO STRIKE OUT

Case no. CH/98/1163

Omer BUDIMOVIĆ

against

THE REPUBLIKA SRPSKA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 10 January 2003 with the following members present:

Ms. Michèle PICARD, President
Mr. Miodrag PAJIĆ, Vice-President
Mr. Dietrich RAUSCHNING
Mr. Hasan BALIĆ
Mr. Želimir JUKA
Mr. Andrew GROTRIAN

Mr. Ulrich GARMS, Registrar
Ms. Olga KAPIĆ, Deputy Registrar
Ms. Antonia DE MEO, 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 case concerns the applicant's attempts to regain possession of his pre-war property located at Miroslava Antića 74 in Gradiška, the Republika Srpska.
2. On 25 June 1998, the applicant lodged a request for repossession before the Ministry for Refugees and Displaced Persons, Gradiška Department.
3. On a date unknown to the Chamber, the applicant entered into possession of his pre-war property.

II. PROCEEDINGS BEFORE THE CHAMBER

4. The application was introduced on 15 September 1998 and registered on the same day.
5. On 18 February 1999, 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, as well as Article II(2)(b) of the Agreement.
6. On 13 September 2002, the Chamber wrote to the applicant asking him to inform the Chamber if he had been reinstated into possession of his pre-war property. No reply was received to this letter. On 12 November 2002, the Chamber sent a reminder letter to the applicant asking for his reply. No reply was received to this letter either. On 16 December 2002 the Chamber sent another reminder letter to the applicant.
7. On 19 December 2002, the applicant's wife called Human Rights Chamber office in Banja Luka and informed it that they had been reinstated into possession of their pre-war property and, accordingly, they suggested that the Chamber strike out the application.

III. OPINION OF THE CHAMBER

8. 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."
9. Considering that the applicant has reposessed his pre-war property and, accordingly, has suggested that his application be struck out, 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

10. 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