



DECISION TO STRIKE OUT

Case no. CH/98/1215

Ivan JARČEVIĆ

against

THE REPUBLIKA SRPSKA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel, on 7 February 2003 with the following members present:

Ms. Michèle PICARD, President
Mr. Miodrag PAJIĆ, Vice-President
Mr. Dietrich RAUSCHNING
Mr. Hasan BALIĆ
Mr. Rona AYBAY
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)(a) of the Agreement and Rules 49(2) and 52 of the Chamber's Rules of Procedure:

I. INTRODUCTION

1. The applicant, who is of Croat origin, is a pre-war occupancy right holder of an apartment located at Jovana Raškovića 20 in Banja Luka. On the basis of the applicable Amendments to the Law on Housing Relations, the applicant was requested twice, within the period between 1993 and 1995, to move into different, smaller, apartments.
2. The applicant initiated separate judicial and administrative proceedings in order to achieve reinstatement into possession of his pre-war apartment.
3. On an unknown date, the applicant regained possession of his pre-war apartment.

II. PROCEEDINGS BEFORE THE CHAMBER

4. The application was received on 9 October 1998 and registered on the same day.
5. On 21 April 1999, the case was transmitted to the respondent Party under Articles 6, 8 of the European Convention on Human Rights ("the Convention") and Article 1 of Protocol No. 1 to the Convention in relation to Article II(2)(b) of the Agreement. The Chamber received no observations on admissibility and merits from the respondent Party.
6. On 5 September 2001, the applicant informed the Chamber that he had regained possession of his pre-war apartment, and therefore, he wished to close his case before the Chamber.
7. On 10 October 2001, the respondent Party confirmed the information mentioned in paragraph 6 above.

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 (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."
9. The Chamber notes that the applicant has informed it that he would like to close his application before the Chamber because he has been reinstated into possession of his pre-war apartment. 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)
Michele PICARD
President of the First Panel