



DECISION TO STRIKE OUT

Case no. CH/02/10639

Milenko MOJEVIĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

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)(b) of the Agreement and Rule 49(2) of the Chamber's Rules of Procedure:

I. INTRODUCTION

1. The case concerns the applicant's attempts to regain possession of his pre-war house located at Ulica Kasindolska 74 in Sarajevo – Ilidža, the Federation of Bosnia and Herzegovina.
2. On 27 April 2000, the Service for Abandoned Property, Housing and Public Utilities of Ilidža Municipality (the "Service") issued a decision on reinstatement of the applicant. The Service further ordered the undesignated users of the house in question to vacate it within 15 days according to Article 13 paragraph 3 of the Law on Cessation of the Application of the Law on Temporary Abandoned Real Estates (Official Gazette of the Federation of Bosnia and Herzegovina nos. 11/98, 29/98, 27/99, 43/99).
3. On 23 October 2000, the applicant requested the Service to execute its decision of 27 April 2000.
4. The undesignated users of the house appealed against this decision. On 20 December 2000, the Ministry for Physical Planning and Public Utilities of Canton Sarajevo confirmed the decision of 27 April 2000.
5. On 7 November 2001, the applicant was reinstated into possession of only the first floor of his house.
6. On 26 February 2002, the applicant requested the Service once again to execute its decision of 27 April 2000.
7. On 24 May 2002, the Service issued a conclusion on enforcement and scheduled the eviction of the users of the house for 16 August 2002.

II. PROCEEDINGS BEFORE THE CHAMBER

8. The application was introduced on 2 August 2002 and registered on the same day.
9. On 30 December 2002, the Chamber sent a letter, via registered mail, to the applicant requesting him to inform the Chamber whether he had entered into possession of his entire house. This letter cautioned the applicant that if he did not respond to it, the Chamber might decide to strike out his application. The applicant did not respond to this letter. On 23 January 2003, the Registry of the Chamber followed up with a telephone call, during which the applicant's daughter-in-law confirmed that the applicant had been reinstated into possession of his entire pre-war house.

III. OPINION OF THE CHAMBER

10. 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."
11. The Chamber notes that the applicant lodged his application with a view to regaining possession of his pre-war house, and while his case was still pending before the Chamber, he regained such possession. Therefore, 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, pursuant to Article VIII(3)(b) of the Agreement.

IV. CONCLUSION

12. 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