



DECISION TO STRIKE OUT

Case no. CH/98/830

Dragutin GRAHOVAC

against

**BOSNIA AND HERZEGOVINA
and
THE FEDERATION OF BOSNIA AND HERZEGOVINA**

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 6 March 2003 with the following members present:

Mr. Mato TADIĆ, President
Mr. Jakob MÖLLER
Mr. Mehmed DEKOVIĆ
Mr. Giovanni GRASSO
Mr. Vitomir POPOVIĆ
Mr. Viktor MASENKO-MAVI

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 52 of the Chamber's Rules of Procedure:

I. INTRODUCTION

1. The case concerns the applicant's attempts to regain possession of his apartment, located at ulica Patriotske lige 50 in Sarajevo, which he purchased from the Housing Fund of the former Yugoslav National Army ("JNA") on 4 April 1992, as well as his attempts to regain possession of his garage.

II. PROCEEDINGS BEFORE THE CHAMBER

2. **The application was introduced on 3 August 1998 and was registered on the same day**

3. On 11 October 2001, the Chamber received information from the Federation of Bosnia and Herzegovina that the Ministry of Defence of the Federation of Bosnia and Herzegovina issued an order that the applicant be registered as the owner over the apartment in question.

4. On 11 October 2002, the Chamber sent a letter, via registered mail, to the applicant's lawyer requesting him to confirm the information received from the Federation of Bosnia and Herzegovina. The applicant's lawyer stated that he is no longer in contact with the applicant, but that he had information that the applicant had repossessed his apartment and garage in Sarajevo.

5. On 31 October 2002, the Chamber sent a letter, via registered mail, to the applicant requesting him to inform the Chamber whether he had succeeded in repossessing his apartment and garage, and if so, if he wished to continue the proceedings before the Chamber. This letter cautioned the applicant that if he did not respond to it, the Chamber might decide to strike out his application. The Chamber received the signed registered return receipt, but the applicant failed to respond.

III. 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 ... (b) the matter has been resolved; ... provided that such a result is consistent with the objective of respect for human rights.

7. Considering that the applicant appears to have repossessed the apartment and garage in question, 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

8. For these reasons, the Chamber, unanimously,

STRIKES OUT THE APPLICATION.

(signed)
Ulrich GARMS
Registrar of the Chamber

(signed)
Mato TADIĆ
President of the Second Panel