



DECISION TO STRIKE OUT

Case no. CH/02/9788

Dževad SARAJLIĆ

against

THE REPUBLIKA SRPSKA

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. Manfred NOWAK
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 Rules 49(2) of the Chamber's Rules of Procedure:

I. INTRODUCTION

1. The application was introduced on 25 March 2002 and registered on 26 March 2002. The applicant is represented by Marjana Kulenović, a lawyer practising in Banja Luka. The applicant requested that the Chamber, as a provisional measure, withdraw its order for a provisional measure in a related case, no. CH/01/8140, *Goran ŠAINOVIĆ v. Republika Srpska*. On 7 June 2002, the Chamber ordered the withdrawal of the provisional measure order in case no. CH/01/8140.

2. In his application, the applicant complains that he has been unable to regain possession of his apartment. He alleges violations of the rights protected by Articles 6 and 8 of the European Convention on Human Rights (“the Convention”) and Article 1 of Protocol No. 1 to the Convention.

3. According to a letter dated 11 December 2002 from the applicant’s representative, the applicant was reinstated into possession of his apartment on 23 September 2002.

II. OPINION OF THE CHAMBER

4. 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.”

5. Considering that the applicant has been reinstated into possession of his apartment, the Chamber finds that the matter raised in the application has been resolved. The Chamber notes that the applicant sought compensation for pecuniary and non-pecuniary damages in his application. The Chamber observes that it can only award compensation if it makes a finding of a violation of the Agreement. Furthermore, the Chamber finds no special circumstances regarding respect for human rights that require further examination of the application. The Chamber therefore decides to strike out the application pursuant to Article VIII(3)(b) of the Agreement.

III. CONCLUSION

6. 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