



DECISION TO STRIKE OUT

Case no. CH/99/1892

Mičo CVIJETIČANIN

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 5 June 2003, with the following members present:

Mr. Mato TADIĆ, President
Mr. Jakob MÖLLER
Mr. Mehmed DEKOVIĆ
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)(a) of the Agreement as well as Rules 49(2) and 52 of the Chamber's Rules of Procedure:

I. FACTS AND PROCEEDINGS

1. The application was received and registered by the Chamber on 6 April 1999.
2. The case concerns the attempts of the applicant, who is the pre-war occupancy right holder of the apartment situated at Lenjinova Street no. 68 in Sarajevo, the Federation of Bosnia and Herzegovina, to repossess his pre-war apartment.
3. On 27 April 2000, the Chamber transmitted the application to the respondent Parties for their 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.
4. On 26 December 2001, the Federation of Bosnia and Herzegovina provided information to the Chamber that the applicant had regained possession of his pre-war apartment on 17 May 2001.
5. On 21 January 2002, the applicant informed the Chamber that he had repossessed his pre-war apartment and therefore he no longer wishes to proceed with his application before the Chamber.

II. 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 (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.”
7. The Chamber notes that the applicant has informed it that he does not intend to pursue his application because he has repossessed 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, pursuant to Article VIII(3)(a) of the Agreement.

III. 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