



STRIKE OUT DECISION

Case no. CH/00/3487

Igor GAJIĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 3 April 2001 with the following members present:

Ms. Michèle PICARD, President
Mr. Dietrich RAUSCHNING, Vice President
Mr. Hasan BALIĆ
Mr. Rona AYBAY
Mr. Želimir JUKA
Mr. Miodrag PAJIĆ
Mr. Andrew GROTRIAN

Mr. Peter KEMPEES, Registrar
Ms. Olga KAPIĆ, 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(2) of the Agreement and Rules 52 of the Chamber’s Rules of Procedure:

i. INTRODUCTION

1. The application was introduced on 7 January 2000. The application concerns the claim of the applicant against the appointed judge of the Sarajevo Municipal Court I, in the applicant's case before that court relating to the repossession of his house in Sarajevo, Nahorevska 135.
2. The applicant gave the house on use to Mr. A.Č. until 30 September 1997, on the basis of a contract signed by the applicant and Mr. A.Č. However, Mr. A.Č. refused to vacate the house on 30 September 1997 and the applicant then submitted a claim on 18 June 1998 against Mr. A.Č. seeking that the Sarajevo Municipal Court I order Mr. A.Č. to vacate the house in question.
3. The applicant alleged that the judge misused her post by dragging out the proceedings and allowing Mr. A.Č. to use the house illegally. In addition he stated that the judge favoured Mr.A.Č. based on his national origin and he asked that the case be given to another judge for decision.
4. On 17 November 2000 the Chamber received a letter from the applicant informing us that at a hearing held on 1 November 2000 before the Sarajevo Municipal Court I the case was solved by a friendly settlement. Therefore, the applicant states that the Chamber need no longer consider his case.

II. OPINION OF THE CHAMBER

5. Having regard to Article VIII(3) of the Agreement, the Chamber finds that the applicant does not intend to pursue the application as the matter raised in the application has been resolved and it is no longer justified to continue the examination of the application. Furthermore, the Chamber finds no special circumstances regarding respect for human rights which require the examination of the application to be continued. It follows that the application must be struck out of the list.

III. CONCLUSION

6. For these reasons, the Chamber, unanimously,

STRIKES THE APPLICATION OUT

(signed)
Peter KEMPEES
Registrar of the Chamber

(signed)
Michèle PICARD
President of the First Panel