



DECISION TO STRIKE OUT

Case no. CH/00/3942

Stevo POPOVIĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 11 October 2002 with the following members present:

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

Mr. Ulrich GARMS, 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(3)(a) of the Agreement and Rules 49(2) and 52 of the Chamber’s Rules of Procedure:

I. INTRODUCTION

1. This case concerns the applicant's attempts to regain possession of land in Banja Luka that was seized from his late son in 1985. Further, the applicant complains that the respondent Party allocated the land in question to other persons for building houses and neglected the applicant's priority right to use it.

II. PROCEEDINGS BEFORE THE CHAMBER

2. The application was introduced on 19 July 2000.

3. On 9 August 2000 the Chamber issued an order for provisional measures forbidding the respondent Party from carrying out any construction works on the land in question. This order for provisional measures was extended on 8 September 2000 and remained in force until 13 October 2000.

4. On 13 October 2000 the respondent Party submitted its written observations on the admissibility and merits of the application. The respondent Party stated that it is not opposed to the applicant's proposals and that it considers that the Chamber should suspend consideration of the application until the proceedings before the domestic organs are complete, emphasising that there could be an amicable resolution of the dispute.

5. In the applicant's letter submitted on 3 September 2002, the applicant informed the Chamber that he wished to withdraw the application because the domestic organs will review the decisions by which the land in question was allocated to other persons.

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 (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. 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)
Michèle PICARD
President of the First Panel