



DECISION TO STRIKE OUT

Case no. CH/00/4043

Hamdija ARTUKOVIĆ

against

THE REPUBLIKA SRPSKA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 5 July 2002 with the following members present:

Ms. Michèle PICARD, President
Mr. Rona AYBAY, Vice- 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. The application was introduced on 8 February 2000. The applicant requested that the Chamber order the responded Party, as a provisional measure, to prevent everyone from using his real property until a final decision is issued in his case. In March 2000 President of the First Panel decided not to order the provisional measure requested.

2. The applicant complained of his inability to repossess and be recognised as the owner over a real estate in Prnjavor, marked cadastral lot (k.č.) no. 4/51, k.o. Prnjavor. On 6 March 1990 the applicant concluded a purchase contract according to which he had bought the real estate in question. In 1997 the applicant found out that V.V. was in possession of the above-mentioned real estate. Allegedly, V.V. concluded the purchase contract with the applicant through P.S., a person authorised by the applicant. The applicant states that he has never given any letter of authorisation with the purpose to sell his property. The applicant initiated administrative and court proceedings before the competent organs.

3. The application was transmitted to the Republika Srpska. On 14 March 2002 the responded Party submitted its observations informing Chamber that this matter had been resolved in favour of the applicant.

4. On 4 June 2002 the Chamber sent a letter to the applicant, asking him to confirm that he has been reinstated into possession of his property. On 11 and 12 June 2002 the applicant and his lawyer confirmed it and withdrew the application.

II. OPINION OF THE CHAMBER

5. 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 result is consistent with objective of respect for human rights”.

6. The Chamber finds that the applicant does not wish to pursue his application. Furthermore, the Chamber finds no special circumstances regarding respect for human rights that require the examination of the application to be continued. The Chamber, therefore, finds it appropriate to strike out the application.

III CONCLUSION

7. For these reasons, the Chamber, unanimously,

STRIKES THE APPLICATION OUT.

(signed)
Ulrich GARMS
Registrar of the Chamber

(signed)
Michéle PICARD
President of the First Panel