



DECISION TO STRIKE OUT

Case nos. CH/00/4082

Milan PETROVIĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 8 June 2000 with the following members present:

Mr. Viktor MASENKO-MAVI, Acting President
Mr. Jakob MÖLLER
Mr. Mehmed DEKOVIĆ
Mr. Manfred NOWAK
Mr. Vitomir POPOVIĆ
Mr. Mato TADIĆ

Mr. Anders MÅNSSON, 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) of the Agreement and Rules 49(2) and 52 of the Chamber's Rules of Procedure:

I. FACTS

1. The applicant is a citizen of Bosnia and Herzegovina. He is the occupancy right holder over an apartment located at Envera Sohovića no. 11/II in Sarajevo. Apparently, his apartment was declared abandoned and allocated to another user. The applicant, however, made a request for repossession to the competent housing authority and on 7 October 1999 received a decision stating that the apartment should be returned into his possession. On 12 January 2000 the applicant submitted a request that the decision be enforced.
2. On 3 May 2000 the applicant entered into possession of his apartment.

II. COMPLAINTS

3. The applicant complained that his rights to respect for his home, property, and to a fair trial were violated.

III. PROCEEDINGS BEFORE THE CHAMBER

4. The application was introduced to the Chamber on 14 February 2000 and registered on 17 February 2000.
5. On 23 May 2000 the applicant submitted a letter to the Chamber stating that he had regained possession of his apartment and no longer wished to pursue his application.

IV. OPINION OF THE CHAMBER

6. According to Article VIII(3) of the Agreement, the Chamber may at any point decide to strike out an application on the ground that (a) the applicant does not intend to pursue his application; (b) the matter has been resolved; or (c) for any other reason established by the Chamber, it is no longer justified to continue the examination of the case. In all these situations, however, a decision to strike out an application must be consistent with the objective of respect for human rights.
7. The applicant has informed the Chamber that he no longer wishes to pursue his case as he has regained possession of his apartment. In these circumstances it is no longer justified to continue the examination of the application. Moreover, such an outcome would not be inconsistent with the objective of respect for human rights.

V. CONCLUSION

8. For these reasons, the Chamber, unanimously,

STRIKES OUT THE APPLICATION.

(signed)
Anders MÅNSSON
Registrar of the Chamber

(signed)
Viktor MASENKO-MAVI
Acting President of the Second Panel