



DECISION TO STRIKE OUT

Case no. CH/00/4225

Milan GRAHOVAC

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 10 May 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)(b) of the Agreement and Rules 49(2) and 52 of the Chamber's Rules of Procedure:

I. INTRODUCTION

1. The application was introduced on 12 July 2000.
2. The applicant complained of his inability to repossess his pre-war apartment, located at Ulica Zagrebačka no. 4 C/V, in Sarajevo.
3. The application was transmitted to the Federation of Bosnia and Herzegovina ("the Federation"). On 21 June 2001, the Federation submitted its observations on admissibility and merits of the application.
4. On 22 January 2002, the Federation informed the Chamber that the applicant's apartment had been vacated on 15 January 2002 and that the applicant had been reinstated on 18 January 2002.
5. On 27 February 2002 a letter was sent to the applicant, asking him to confirm that he has been reinstated into possession of his property. On 4 March 2002 the applicant received this letter. The Chamber has not received any answer from the applicant, and the deadline set for his answer has expired on 27 March 2002.

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 ... (b) the matter has been resolved; ... provided that such a result is consistent with the objective of respect for human rights."
7. Considering that the applicant has been reinstated into possession of his apartment, and that the applicant has not replied to the letter from the Chamber, the Chamber finds that the matter raised in the application has been resolved. 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.

III. 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