



DECISION TO STRIKE OUT

Case no. CH/00/4630

Marinko JOVANČIĆ

against

**BOSNIA AND HERZEGOVINA
and
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, a citizen of Bosnia and Herzegovina of Serb descent, was the occupancy right holder over an apartment located at Ulica Džamijska 13/7 in Sarajevo. During the war in Bosnia and Herzegovina, he left Sarajevo to receive medical treatment in the Socialist Federal Republic of Yugoslavia. After the war, the applicant returned to Sarajevo and at some unspecified time began proceedings to regain possession of his apartment which had been allocated to a temporary user.

2. On 20 December 1999 the Administration for Housing Affairs in Sarajevo issued a decision that the applicant should be allowed to regain possession of the apartment, that the temporary occupant was using it without any legal basis, and that the temporary occupant must leave the premises within 90 days. That deadline passed, however, and the applicant did not enter into his apartment.

3. On 17 May 2000 the applicant regained possession of his apartment.

II. COMPLAINTS

4. The applicant complained of violations of his rights to respect for his home, to property and to have judgments in his favour enforced.

III. PROCEEDINGS BEFORE THE CHAMBER

5. The application was introduced on 11 April 2000 and registered the following day.

6. On 23 May 2000 the applicant informed the Chamber that he had entered into his apartment and no longer wished to pursue his application.

IV. OPINION OF THE CHAMBER

7. 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.

8. The Chamber notes that the applicant has entered into his apartment and that he no longer wishes to pursue his application. In these circumstances it is no longer justified to continue the examination of the case. Moreover, such an outcome would not be inconsistent with the objective of respect for human rights.

V. CONCLUSION

9. 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