



## **DECISION TO STRIKE OUT**

**Case no. CH/00/4906**

**Ahmet KORJENIĆ**

**against**

**BOSNIA AND HERZEGOVINA**

**THE FEDERATION OF BOSNIA AND HERZEGOVINA  
and  
THE REPUBLIKA SRPSKA**

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

Mr. Giovanni GRASSO, President  
Mr. Viktor MASENKO-MAVI, Vice-President  
Mr. Jakob MÖLLER  
Mr. Mehmed DEKOVIĆ  
Mr. Manfred NOWAK  
Mr. Mato TADIĆ

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        FACTS**

1.        The application was introduced on 16 May 2000. The application was directed against Bosnia and Herzegovina, the Federation of BiH and the Republika Srpska.
2.        The applicant complained of his inability to repossess his pre-war apartment, located at Trg Sabora bosanskog no. 2/2, in Dobrinja, Sarajevo.
3.        The application was transmitted to the Federation of Bosnia and Herzegovina (“the Federation”) and the Republika Srpska. The Federation submitted its written observations on 12 July 2000, and the Republika Srpska on 27 November 2000.
4.        The Chamber was informed by the Commission for Real Property Claims of Displaced Persons and Refugees, that the applicant was reinstated into his apartment. On 13 June and 23 July 2001 the Chamber sent letters to three different addresses of the applicant asking him to confirm his reinstatement. The letters were returned.
5.        On 27 March 2002 the Federation informed the Chamber that the applicant was reinstated into his apartment on 29 June 2001.
6.        On 15 April 2002 the Chamber again sent the letters to the applicant asking him to confirm his reinstatement. Again, the letters were returned. The applicant never informed the Chamber about his new address.

## **II        OPINION OF THE CHAMBER**

7.        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 result is consistent with objective of respect for human rights”.
8.        The Chamber notes that it appears that the applicant has been reinstated into possession of his apartment. It also considers that he has not informed the Chamber about his most recent address, making it impossible for the Chamber to reach him. The Chamber therefore finds that the matter raised in the application has been solved. 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**

9.        For these reasons, the Chamber unanimously,

**STRIKES THE APPLICATION OUT.**

(signed)  
Ulrich GARMS  
Registrar

(signed)  
Giovanni GRASSO  
President of the Second Panel