



DECISION TO STRIKE OUT

Case no. CH/ 00/5277

Ahmed FAZLAGIĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 5 December 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 Article VIII(3)(a) of the Agreement and Rules 49(2) and 52 of the Chamber’s Rules of Procedure:

I. INTRODUCTION

1. The case concerns the applicant's attempts to regain possession of his pre-war family house and land designated as k.č. Nos. 3792, 3794, 3795, 4383/1 and 4384/1, Čapljina, the Federation of Bosnia and Herzegovina.
2. On 12 June 1998, the applicant requested the Department of Geodetic and Property Affairs of the Čapljina Municipality to return possession of his pre-war property to him. On 28 June 2000 the applicant filed a complaint before the Federal Ombudsman's Office. On 20 September 2000 the Federal Ombudsman's Office issued a decision opening an investigation in the case.
3. According to information received from the respondent Party, the applicant entered into possession of his pre-war property on 1 September 2000.

II. PROCEEDINGS BEFORE THE CHAMBER

4. The application was introduced on 30 June 2000 and registered on the same day.
5. On 11 July 2000, the Chamber transmitted the application to the respondent Party for its observations on the admissibility and merits under Articles 6, 8 and 13 of the European Convention on Human Rights (the "Convention") and Article 1 of Protocol No. 1 to the Convention in conjunction with Article 14 of the Convention.
6. On 30 January 2001, the respondent Party provided information to the Chamber that the applicant had regained possession of his property. On 18 April 2001, the Chamber requested the applicant to confirm this information and to express whether he wished to continue the proceedings before the Chamber. The applicant did not respond.
7. On 27 September 2002, the Chamber sent a second letter via registered mail requesting the applicant to confirm that he had repossessed his pre-war property, and if he had, whether he wished to continue the proceedings before the Chamber. The Chamber cautioned the applicant that if he failed to respond, the Chamber might decide to strike out the application.
8. The Chamber received the signed registered return receipt, but the applicant failed to respond to the Chamber's letter.

III. OPINION OF THE CHAMBER

9. 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 a result is consistent with the objective of respect for human rights."
10. The Chamber notes that the applicant was invited on two occasions to inform the Chamber as to the status of his case and whether he wished to continue the proceedings before the Chamber, and he did not respond. Additionally, information from the respondent Party indicates that the subject matter of the application has been resolved, as it appears that the applicant has repossessed his pre-war property. Under these circumstances, the Chamber concludes that the applicant no longer intends to pursue his application before the Chamber. 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, in accordance with Article VIII(3)(a) of the Agreement.

IV. CONCLUSION

11. 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