



DECISION TO STRIKE OUT

Case No. CH/00/5551

Muhamed DERVIŠBEGOVIĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 6 September 2002 with the following members present:

Ms. Michèle PICARD, 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) and (c) of the Agreement and Rules 49(2) and 52 of the Chamber's Rules of Procedure:

I. INTRODUCTION

1. The application was introduced on 14 August 2000. The applicant requested that the Chamber order the respondent Party, as a provisional measure, to take all necessary action to prevent his eviction from an apartment which he temporarily occupies in Sarajevo, ulica Branilaca Sarajeva 13, until he repossesses his pre-war apartment in Sarajevo, ulica Azize Šaćirbegović 86. On 7 September 2000 the Chamber decided not to order the provisional measure requested.

2. On 4 October 2000 the Chamber transmitted the application to the respondent Party for observations on the admissibility and merits. On 4 December 2000 the respondent Party submitted its observations in which it was stated that the applicant regained the possession of his pre-war apartment in Sarajevo, ulica Azize Šaćirbegović 86. On 22 December 2000 the observations from the respondent Party were transmitted to the applicant but he never replied to them. On 14 April 2001 the Chamber sent another letter to the applicant with a request that he state within fifteen days whether he wanted to continue with the application before the Chamber, as it seemed that the matter of the application had been resolved. In the letter the Chamber specifically warned the applicant that a failure to respond could result that his application being struck out. No answer was received.

II. OPINION OF THE CHAMBER

3 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; or (c) for any other reason established by the Chamber, it is no longer justified to continue the examination of the application; provided that such a result is consistent with the objective of respect for human rights.”

4. Considering that the applicant regained possession of his pre-war apartment, and that he did not reply to the Chamber’s letter, 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

5. 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