



DECISION TO STRIKE OUT

Case no. CH/00/5918

Kasim ALIĆ

against

BOSNIA AND HERZEGOVINA

and

THE REPUBLIKA SRPSKA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 5 September 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. Vitomir POPOVIĆ
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)(a) of the Agreement and Rules 49(2) and 52 of the Chamber’s Rules of Procedure:

I. INTRODUCTION

1. The application was introduced on 16 October 2000.
2. The applicant complained of his inability to return to his pre-war property located at Ulica Petra Kaurinovića no. 27 in Brčko.
3. The application was transmitted to Bosnia and Herzegovina and the Republika Srpska on 17 June 2002.
4. On 3 July 2002 the applicant informed the Chamber that he had been reinstated into his property on 15 February 2001 and that he therefore did not wish to pursue the proceedings before the Chamber.
5. On 15 July 2002 the Chamber received observations from the Republika Srpska in this case. On 26 July 2002 the Chamber received observations from Bosnia and Herzegovina stating that the applicant has been reinstated into his property. The Chamber decided not to transmit these observations to the applicant in the light of the applicant's letter of 3 July 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 (a) the applicant does not intend to pursue his application; ... provided that such result is consistent with the objective of respect for human rights."
7. The Chamber notes that the applicant has informed it that he does not intend to pursue his application. 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)
Giovanni GRASSO
President of the Second Panel