



## **DECISION TO STRIKE OUT**

**Case no. CH/00/6337**

**Drago NINKOVIĆ**

**against**

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

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 11 October 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) of the Agreement and Rules 49(2) and 52 of the Chamber's Rules of Procedure:

**I. FACTS**

1. The application was introduced on 9 November 2000.
2. The applicant complained of his inability to repossess his pre-war apartment, located at Marka Marulića broj 17/IV, Sarajevo.
3. The application was transmitted to the Federation of Bosnia and Herzegovina (“the Federation”). On 21 June 2001 the Federation submitted its written observations in which it informed the Chamber that the applicant had been reinstated into his apartment on 14 May 2001.
4. On 18 July 2001 the Chamber sent a letter by registered mail to the applicant’s contact address at his pre-war apartment, asking him to confirm his reinstatement. This letter specifically warned the applicant that if he did not respond to it, the Chamber might decide to strike out his application. The Chamber received the delivery receipt, which was signed by the applicant. However, the applicant never responded to the Chamber’s letter.

**II. OPINION OF THE CHAMBER**

5. 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”.
6. The Chamber notes that it appears that the applicant has been reinstated into possession of his apartment. It also considers that although the applicant received the Chamber’s letter asking him to confirm his repossession, he has not responded. The Chamber therefore 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**

7. 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