



DECISION TO STRIKE OUT

Case no. CH/00/6532

Slobodan BAJAT

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

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. INTRODUCTION

1. The application was introduced on 4 December 2000.
2. The applicant complained of his inability to repossess his pre-war apartment, located at Ulica Varda no. 40 2/A, in Konjic.
3. On 8 October 1998 the applicant requested the Administration for Housing Affairs of the Municipality Konjic to return possession of his pre-war apartment to him. On 19 April 2000 the Municipality Konjic authorities issued a decision recognising the applicant's rights over the apartment.
4. On 15 May 2000 the applicant filed a request for implementation of this decision to the Municipal authorities.
5. On 13 April 1999 the applicant filed a complaint before Commission for Real Property Claims of Displaced Persons and Refugees ("CRPC"). On 28 October 1999 the CRPC issued a decision confirming the applicant's occupancy right.
6. On 16 February 2000 the applicant requested the administration to implement the CRPC decision. On 10 May 2000 the applicant appealed against the silence of the administration to the Ministry for Housing and Public Utility Affairs of the Federation of Bosnia and Herzegovina.
7. On 26 March 2001 the applicant informed the Chamber that he had been reinstated into his property on 15 February 2001. However, he maintains his claims for compensation.

II. OPINION OF THE CHAMBER

8. 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 a result is consistent with the objective of respect for human rights."
9. Considering that the applicant has been reinstated into possession of his apartment, the Chamber finds that the matter raised in the application has been resolved. The Chamber notes that the applicant has expressed his intention to pursue the application before the Chamber in regard to the compensation claim. The Chamber observes, however, that it can only award compensation if it makes a finding of a violation of the Agreement. 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

10. For these reasons, the Chamber, unanimously,

STRIKES OUT THE APPLICATION.

(signed)
Ulrich GARMS
Registrar

(signed)
Giovanni GRASSO
President of the Second Panel