



DECISION TO STRIKE OUT

Case no. CH/00/6622

Zoran ĐUKIĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 7 June 2002 with the following members present:

Mr. Viktor MASENKO-MAVI, Acting 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 Articles VIII(3)(a) of the Agreement and Rule 52 of the Chamber’s Rules of Procedure:

I. FACTS AND COMPLAINTS

1. The applicant is the owner of a house and land located at ul. Lepenička nearby no. 11 b. in Ilidža, the Federation of Bosnia and Herzegovina (the “property”). He left the property in May 1992 due to the armed conflict in Bosnia and Herzegovina.
2. The application concerns proceedings initiated by the applicant, *i.e.*, before the Annex 7 Commission for Real Property Claims of Refugees and Displaced Persons (“the CRPC”) and the Ilidža Municipality (the “Municipality”) in order to be reinstated into his pre-war property.
3. The applicant had received two decisions confirming his rights over the property, *i.e.*, on 9 September 1999 a CRPC decision and on 15 October 1999 a Municipality procedural decision. According to the applicant he submitted a request for enforcement of the Municipal procedural decision on 15 October 1999 and of the CRPC decision on 3 December 1999. As he received no response, in due time he submitted an appeal against the “silence of the administration” to the Administration of Geodetic and Property-Legal Affairs of Canton Sarajevo and an appeal to the CRPC, both on 28 April 2000. On 3 May 2000 the applicant appealed the non-enforcement of the CRPC decision to the Office of Administrative Inspection of the Federation of Bosnia and Herzegovina. However, up until the date of his addressing the Chamber, he had received no response from the competent authorities on his appeals.
4. The applicant complains that his rights protected under Article 8 the Convention, Article 1 of Protocol No. 1 to the Convention, and Article 1 of Annex 7 of the General Framework Agreement for Peace in Bosnia and Herzegovina have been violated.

II. PROCEEDINGS BEFORE THE CHAMBER

5. The application was introduced on 18 December 2000. Following the Chamber’s request of 26 March 2001, the applicant submitted a compensation claim and a conclusion of the Municipality that the CRPC decision would be enforced on 30 March 2001. On 22 June 2001 the application was transmitted to the respondent Party for observations on the admissibility and merits. The respondent Party’s observations were received on 23 July 2001 were transmitted to the applicant on 19 September 2001. However, the Post Office returned the envelope containing the observations that the applicant did not pick it up.
6. On 10 December 2001 the respondent Party submitted additional information that the applicant was reinstated into his property on 23 October 2001. In his response of 12 March 2002 to the respondent Party’s observations, the applicant confirmed his reinstatement and asked the Chamber to strike out his application.

III. OPINION OF THE CHAMBER

7. 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.”
8. Considering that the applicant has requested that his application be struck out, the Chamber finds that the applicant does not intend to pursue the 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.

IV. CONCLUSION

9. For these reasons, the Chamber, unanimously,

STRIKES OUT THE APPLICATION.

(signed)
Ulrich GARMS
Registrar of the Chamber

(signed)
Viktor MASENKO-MAVI
Acting President of the Second Panel