



DECISION TO STRIKE OUT

Case no. CH/00/6623

Ratomir ČARAPIĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 5 September 2002 with the following members present:

Ms. Michèle PICARD, President
Mr. Rona AYBAY, Vice-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. INTRODUCTION

1. The application was introduced on 18 December 2000 and registered on the same day.
2. The case concerns the applicant's attempts to regain possession of his pre-war apartment, located at Ulica 43. Drinske brigade no. 30, Goražde.
3. On 16 September 1998 the applicant requested the Service of Housing and Property Affairs of Goražde Municipality ("the Administration") to return possession of his pre-war apartment to him. On 21 October 1999 the Administration issued a procedural decision recognising the applicant's rights over the apartment.
4. In April 2000 the applicant submitted a request for the enforcement of the procedural decision of 21 October 1999.
5. On 28 October 1999 the Commission for Real Property Claims of Displaced Persons and Refugees ("CRPC") issued a decision confirming the applicant's occupancy right.
6. On 20 July 2000 the applicant submitted a request for execution of the CRPC decision to the Administration.
7. On 31 January 2002 the Swiss Disaster Unit (non-governmental organisation), which supported the applicant in his legal proceedings, informed the Chamber that the applicant had been reinstated into his apartment.
8. On 30 May 2002 the Chamber sent a letter to the applicant, asking him to confirm that he had been reinstated into his apartment and whether he wants to maintain his application. The Chamber has not received any answer from the applicant, and the deadline set for his answer expired on 26 June 2002.

II. OPINION OF THE CHAMBER

9. 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."
10. Considering that it appears that the applicant has been reinstated into possession of his apartment, and that he has not replied to the letter from the Chamber, 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

11. 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