



DECISION TO STRIKE OUT

CASE No. CH/01/6736

D.M.

against

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

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 8 September 2001 with the following members present:

Mr. Giovanni GRASSO, President
Mr. Viktor MASENKO-MAVI, Vice President
Mr. Jakob MÖLLER
Mr. Manfred NOWAK

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) of the Agreement and Rules 49(2) and 52 of the Chamber's Rules of Procedure:

I INTRODUCTION

1. The application was introduced to the Chamber on 12 January 2001.
2. The case concerns the attempts of the applicant to regain possession of his private house at Humska 332 in Sarajevo.
3. The application was transmitted to the Federation of Bosnia and Herzegovina (“the Federation”) on 7 May 2001. On 21 June 2001 the Federation submitted its observations stating that the competent Municipal body on 28 May 2001 evicted the temporary occupants and sealed the house. Further, the respondent Party stated that the applicant expressed his wish to enter into possession of the house on 1 June 2001.
4. On 15 June 2001 the applicant informed the Chamber that he had been reinstated into his house on 1 June 2001.

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 the objective of respect for human rights.”
6. The Chamber finds that the matter 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 finds it appropriate 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)
Giovanni GRASSO
President of the Second Panel