



DECISION TO STRIKE OUT

Case no. CH/01/7329

Pavle IVKOVIĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 6 March 2003 with the following members present:

Ms. Michèle PICARD, President
Mr. Miodrag PAJIĆ, Vice-President
Mr. Dietrich RAUSCHNING
Mr. Hasan BALIĆ
Mr. Rona AYBAY
Mr. Želimir JUKA
Mr. Andrew GROTRIAN

Mr. Ulrich GARMS, Registrar
Ms. Olga KAPIĆ, Deputy Registrar
Ms. Antonia DE MEO, 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 Article VIII(3)(b) of the Agreement and Rule 52 of the Chamber's Rules of Procedure:

I. INTRODUCTION

1. The case concerns the applicant's attempts to regain possession of his pre-war apartment located at Ulica Dubrovačka 96 in Mostar, the Federation of Bosnia and Herzegovina.

1. 2. On 9 October 1998, the applicant submitted a request for repossession of his apartment to the Department for Physical Planning, Construction, Housing and Utility Affairs of Mostar.

II. PROCEEDINGS BEFORE THE CHAMBER

3. The application was introduced on 26 March 2001 and registered on 27 March 2001.

4. On 10 April 2001, the Chamber transmitted the application to the respondent Party for its observations on the admissibility and merits under Articles 6, 8 and 14 of the European Convention on Human Rights (the "Convention") and Article 1 of Protocol No. 1 to the Convention.

5. On 14 October 2002, the respondent Party informed the Chamber that on 2 October 2002, the applicant had entered into possession of his pre-war apartment in Mostar.

6. On 5 November 2002, the Chamber sent two letters, via registered mail, to the applicant, one addressed to his apartment in Mostar and the other to the address provided in the application to the Chamber. The letters requested the applicant to confirm the information received from the Federation of Bosnia and Herzegovina. The letters cautioned the applicant that if he did not respond, the Chamber might decide to strike out his application.

7. The letter addressed to the apartment in Mostar was returned to the Chamber as undeliverable with a note indicating that the applicant does not live at that address. According to the signed registered return receipt, the applicant received the other letter, but he failed to respond to it.

III. 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 Chamber has received information that the applicant has entered into possession of his pre-war apartment, 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.

IV. CONCLUSION

10. For these reasons, the Chamber, unanimously,

STRIKES OUT THE APPLICATION.

(signed)
Ulrich GARMS

(signed)
Michèle PICARD

Registrar of the Chamber President of the First Panel