



DECISION TO STRIKE OUT

Case no. CH/01/7534

Darko MILOSAVLJEVIĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 11 October 2002 with the following members present:

Mr. Viktor MASENKO-MAVI, Acting President
Mr. Jakob MÖLLER
Mr. Mehmed DEKOVIĆ
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 Article VIII(3)(b) of the Agreement and Rules 49(2) and 52 of the Chamber's Rules of Procedure:

I. FACTS

1. The application was introduced on 24 May 2001. The applicant complained of his inability to repossess his pre-war apartment, located at Dr. Ćire Truhelke no. 8 – a, in Zenica.
2. The applicant also asked the Chamber to order the respondent Party, as a provisional measure, to take all necessary action to protect his property from further demolition and to issue a procedural decision granting him the right to repossess his pre-war apartment. On 2 July 2001, the Chamber decided not to grant the provisional measure requested.
3. The application was transmitted to the Federation of Bosnia and Herzegovina (“the Federation”). On 14 December 2001, the Federation submitted its written observations.
4. On 11 March 2002, the Federation informed the Chamber that the applicant had been reinstated into his apartment on 29 January 2002.
5. On 15 April 2002, the Chamber sent a letter by registered mail to the applicant’s contact address at his pre-war apartment, asking him to confirm his reinstatement. This letter specifically warned the applicant that if he did not respond to it, the Chamber might decide to strike out his application. The Chamber received the delivery receipt, which was signed by the applicant. However, the applicant never responded to the Chamber’s letter.

II. OPINION OF THE CHAMBER

6. 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 objective of respect for human rights”.
7. The Chamber notes that it appears that the applicant has been reinstated into possession of his apartment. It also considers that, although the applicant received the Chamber’s letter asking him to confirm his repossession, he has not responded. The Chamber therefore finds that the matter raised in the application has been resolved. Furthermore, the Chamber finds no special circumstances regarding respect for human rights that require the examination of the application to be continued. The Chamber, therefore, decides to strike out the application.

III. CONCLUSION

8. 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