



DECISION TO STRIKE OUT

Case no. CH/01/7649

Sakib HODŽIĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 7 November 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)(a) of the Agreement and Rule 52 of the Chamber's Rules of Procedure:

I. FACTS

1. The application was introduced to the Chamber on 28 June 2001. The applicant requested that the Chamber order the respondent Party, as a provisional measure, to prevent his eviction from an apartment located at ul. Behdžeta Mutevelića no. 99, in Sarajevo, the Federation of Bosnia and Herzegovina. He occupied that apartment without a formal procedural decision on allocation of the apartment to him. On 29 June 2001, the President of the First Panel decided not to order the provisional measure requested.

2. On 19 July 2001 the applicant submitted a letter to the Chamber informing it that he would like to withdraw his application before the Chamber, as his request for an order for provisional measures was refused. The applicant stated that at the time he submitted his application, he was not prepared to present all his evidence and arguments, and he would like to address the Chamber once again in the future with such evidence and arguments.

II. OPINION OF THE CHAMBER

3. 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.”

4. The Chamber notes that the applicant has informed it that he does not intend to pursue his application, as his request for provisional measures was refused and he intends to address the Chamber once again in the future. 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

5. 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