



## **DECISION TO STRIKE OUT**

**Case no. CH/01/8516**

**Miodrag STANKOVIĆ**

**against**

**THE FEDERATION OF BOSNIA AND HERZEGOVINA**

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 4 February 2003 with the following members present:

Mr. Mato TADIĆ, President  
Mr. Jakob MÖLLER  
Mr. Mehmed DEKOVIĆ  
Mr. Manfred NOWAK  
Mr. Vitomir POPOVIĆ  
Mr. Viktor MASENKO-MAVI

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 to Article VIII(3)(b) of the Agreement as well as Rules 49 and 52 of the Chamber's Rules of Procedure:

## **I. INTRODUCTION**

1. This case concerns the applicant's attempts to regain possession of his pre-war apartment, located in Hamdije Čemerlića, Sarajevo.
2. On 14 May 1997, the applicant initiated proceeding before the Commission for Real Property Claims of Displaced Persons and Refugees ("CRPC") in order to repossess his pre-war apartment.
3. On 19 May 1998, the applicant also initiated proceedings to repossess his apartment before the Administration of Housing Affairs (the "Administration"). On 25 August 1998, the Administration issued a decision confirming the applicant's right to repossess the apartment.
4. The applicant finally regained possession of his pre-war apartment on 27 June 2002.

## **II. PROCEEDINGS BEFORE THE CHAMBER**

5. The application was introduced to the Chamber on 5 December 2001 and registered on the same day.
6. The applicant complains that his rights protected under Articles 6 and 8 of the European Convention on Human Rights ("the Convention") and Article 1 of Protocol No. 1 to the Convention have been violated. At the time of his application, he claimed to be unable to obtain possession of his pre-war apartment because the Administration had not executed the decision of 25 August 1998.
7. On 29 October 2002, the applicant informed the Chamber that he had regained possession of his apartment on 27 June 2002.

## **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 applicant has been reinstated 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, pursuant to Article VIII(3)(b) of the Agreement.

## **IV. CONCLUSION**

10. For these reasons, the Chamber, unanimously,

**STRIKES OUT THE APPLICATION.**

(signed)  
Ulrich GARMS  
Registrar of the Chamber

(signed)  
Mato TADIĆ  
President of the Second Panel