



DECISION TO STRIKE OUT

Case no. CH/02/10032

Ranko RADOJEVIĆ

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 7 September 2002 with the following members present:

Mr. Giovanni GRASSO, 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)(a) of the Agreement and Rules 49(2) and 52 of the Chamber’s Rules of Procedure:

I. INTRODUCTION

1. The application was introduced on 24 April 2002.
2. Prior to leaving Sarajevo in 1992, the applicant and his family lived in an apartment located at Koševsko brdo CMZ (now ul. Antuna Hangija br. 10/4) lamela b., ulaz 5, sprat IV, stan br. 64 in Sarajevo.
3. After returning to Sarajevo, on 25 June 1999, the applicant filed a request with the Administration for Housing Affairs of the Sarajevo Canton ("the Administration") for repossession of the apartment in which he and his family had been living.
4. On 2 February 2000, the Administration refused this request because the applicant had failed to conclude a contract on use of the apartment. The Ministry for Housing Affairs of the Sarajevo Canton confirmed this decision on 25 April 2000 and refused the applicant's appeal for the same reason.
5. On 16 January 2001, the Cantonal Court in Sarajevo refused the applicant's complaint against the procedural decision of the Ministry because the applicant had failed to conclude a contract on use of the apartment.
6. On 13 November 2001, the Supreme Court refused the applicant's appeal of 19 February 2001, following the same legal reasoning.
7. The applicant explains that he was not able to conclude a contract on use of the apartment because the building he was living in was not formally granted technical approval. After the building was technically approved in 1998, the persons who were then currently living in the building were able to conclude contracts on use. Since at that time another family had moved into the apartment where the applicant had lived before leaving Sarajevo in 1992, he was again not able to conclude a contract on use. To support his allegations, the applicant states that on 4 May 2001, the Constitutional Court of Bosnia and Herzegovina issued a decision stating that a person in similar circumstances to the applicant should be able to conclude a contract on use.
8. On 6 June 2002, the applicant informed the Chamber that he would like to withdraw his application before the Chamber because he filed an application with the Constitutional Court on 15 March 2002 with regard to the same legal issue.

II. OPINION OF THE CHAMBER

9. 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."
10. The Chamber notes that the applicant has informed it that he does not intend to pursue his application. 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

11. 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