



DECISION TO STRIKE OUT

Case no. CH/97/79

Hamid ORMAN

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 8 May 2000 with the following members present:

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

Mr. Anders MÅNSSON, 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) of the Agreement and Rule 52 of the Chamber’s Rules of Procedure:

I. FACTS

1. The applicant is a citizen of Bosnia and Herzegovina of Bosniak descent. He is the owner of a house in Livno, in which he lived on the ground floor. His son lived on the first floor with his family until June 1993, when they fled to Germany due to the hostilities between Bosniaks and Croats in the area. Thereafter, several displaced persons, all of Croat origin, moved into the first floor. The applicant tolerated the situation until his son returned to Livno in 1996.

2. On 10 October 1996 the applicant requested the Court of First Instance in Livno to forcibly evict the occupants in favour of his son. The Court rejected the claim on 25 January 1999, declaring that it had no competence to deal with the matter. On 19 May 1998 the applicant initiated administrative proceedings with the same objective. There was never any response to his claim.

3. On 30 August 1998 the temporary occupants left the house voluntarily and the applicant's son entered into re-possession of the mentioned part of the building. On 19 January 1999 the applicant died. His son has indicated that he wishes to pursue the present application before the Chamber. He has presented the relevant documents that entitle him to do so.

II. COMPLAINTS

4. The applicant alleged a violation of his right to personal dignity and equality by the public authorities in Livno as well as a violation of his right to undisturbed enjoyment of his possessions. In addition, he complained about the continued adjournment of the proceedings, both before the Court of First Instance and the Administration of Livno.

III. PROCEEDINGS BEFORE THE CHAMBER

5. The application was introduced on 30 October 1997 and registered on the same day.

6. On 11 May 1998 the Chamber decided to transmit the application to the respondent Party for observations on admissibility and merits. The respondent Party submitted observations on 24 June 1998. The applicant sent further observations on 26 August 1998, including a claim for compensation.

7. Despite the fact that the applicant's son has re-entered the house in Livno, the claim for compensation is maintained. On 1 March 1999 the Chamber received a new claim for compensation from the applicant's son in the amount of 80,000 German marks for material and immaterial damage. The claim was transmitted to the respondent Party on 16 March 1999. The Chamber received observations from the respondent Party thereto on 19 April and 4 June 1999.

8. On 30 April 1999 the Chamber requested the applicant to specify the costs incurred since the moment of the illegal occupation of his house. However, in his latest submissions of 12 May 1999, the applicant's son has failed to provide more precise information regarding the amount claimed.

IV. OPINION OF THE CHAMBER

9. According to Article VIII(3) of the Agreement, the Chamber may at any point decide to strike out an application on the ground that (a) the applicant does not intend to pursue his application; (b) the matter has been resolved; or (c) for any other reason established by the Chamber, it is no longer justified to continue the examination of the case. In all these situations, however, a decision to strike out an application must be consistent with the objective of respect for human rights.

10. The Chamber notes that the applicant's son has entered into possession of the whole house in question on 30 August 1998, therefore solving the initial complaint. As to the remaining claim for

compensation, the applicant has not sufficiently substantiated it, despite a request from the Chamber in this respect. Therefore, the claim for compensation cannot be granted. For these reasons, the Chamber finds that it is no longer justified to continue the examination of the case. The Chamber also finds that such a result would not be inconsistent with the objective of respect for human rights.

V. CONCLUSION

11. For these reasons, the Chamber, unanimously,

STRIKES OUT THE APPLICATION.

(signed)
Anders MÅNSSON
Registrar of the Chamber

(signed)
Michèle PICARD
President of the First Panel