



## **DECISION TO STRIKE OUT**

**Case no. CH/98/1123**

**Risto LAZAREVIĆ**

**against**

**BOSNIA AND HERZEGOVINA  
and  
THE FEDERATION OF BOSNIA AND HERZEGOVINA**

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 6 June 2003 with the following members present:

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

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)(a) of the Agreement as well as Rules 49(2) and 52 of the Chamber's Rules of Procedure:

**I. FACTS AND PROCEEDINGS**

1. The application was received and registered by the Chamber on 24 September 1998.
2. The case concerns the applicant's attempts to repossess his pre-war apartment situated at M. Đuraškovića Street no. 24/5 in Sarajevo, the Federation of Bosnia and Herzegovina.
3. On 11 April 2000, the Chamber transmitted the application to the respondent Parties for their observations on the admissibility and merits under Articles 6, 8 and 13 of the European Convention on Human Rights ("the Convention") and Article 1 of Protocol No. 1 to the Convention.
4. On 12 November 2001, the Federation of Bosnia and Herzegovina provided information to the Chamber that the applicant had regained possession of his pre-war apartment on 8 October 2001.
5. On 24 March 2003, the applicant informed the Chamber that he had repossessed his pre-war apartment and therefore he no longer wishes to proceed with his application before the Chamber.

**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 (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."
7. The Chamber notes that the applicant has informed it that he does not intend to pursue his application because he has repossessed his pre-war apartment. 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)(a) of the Agreement.

**III. CONCLUSION**

8. 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