



## **DECISION TO STRIKE OUT**

**Case no. CH/98/226**

**Dušan KOLAROV**

**against**

**THE FEDERATION OF BOSNIA AND HERZEGOVINA**

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

Mr. Mato TADIĆ, President  
Mr. Jakob MÖLLER  
Mr. Mehmed DEKOVIĆ  
Mr. Giovanni GRASSO  
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 and Rules 49(2) and 52 of the Chamber's Rules of Procedure:

## **I. INTRODUCTION**

1. The application was introduced on 15 October 1996 with the Ombudsperson for Bosnia and Herzegovina. On 17 February 1998, the Ombudsperson for Bosnia and Herzegovina referred the case to the Chamber.
2. The case concerns the applicant's attempts to regain possession of his pre-war apartment, located in Sarajevo, at Hadži Idrizova Street no. 6.
3. The case was transmitted to the respondent Party for its observations on 1 June 1998. The respondent Party submitted written observations on 29 June 1998. The applicant submitted observations in reply on 31 July 1998.
4. On 25 December 2001, the respondent Party submitted observations in which it informed the Chamber that the applicant had regained possession of his apartment on 10 May 2001.
5. On 4 January 2002, the Chamber sent a letter to the applicant by registered mail asking him to confirm his reinstatement. This letter was returned to the Chamber with the registered mail receipt of 8 January 2002, on which the Post Office official noted that the applicant had died.

## **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... (b) the matter has been resolved; ... provided that such a result is consistent with the objective of respect for human rights."
7. Considering that the respondent Party has provided information that the applicant regained possession of his pre-war apartment and that neither he nor his potential heirs have contacted the Chamber, 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.

## **III. CONCLUSION**

8. 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