



DECISION TO STRIKE OUT

Case no. CH/98/691

Bajo KRIVOKAPIĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 8 September 1999 with the following members present:

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

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

I. FACTS

1. The applicant has purchased an apartment located at Rave Jankovića 81, Sarajevo. The apartment was owned by the Military Housing Fund of the Yugoslav National Army. He left the apartment due to the hostilities.
2. On 5 September 1996 the applicant filed a request to the Housing Fund of the Army of the Federation of Bosnia and Herzegovina to regain possession of the apartment. There has been no developments upon the request. On 1 June 1998 the applicant filed a request to the Municipality of Novo Sarajevo for the return of the apartment. There have been no developments upon the request.
3. The application is substantially the same as in Case No. CH/98/1211, which is also pending before the Chamber.

II. COMPLAINT

4. The applicant complained of a violation of his property right.

III. PROCEEDINGS BEFORE THE CHAMBER

5. The application was introduced on 11 June 1998 and registered on the same day.
6. On 21 July 1999 the Registry wrote to the applicant informing him that there are two cases of the same substance pending before the Chamber and asking him to provide more information in that regard.
7. On 29 July 1999 the applicant wrote to the Chamber stating that he wanted this case to be struck out.

IV. OPINION OF THE CHAMBER

8. 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.
9. In the present case the Chamber notes that the applicant has another application pending before the Chamber, of the same substance as the present case. The Chamber further notes that the applicant expressed his will to strike out the present case.
10. Accordingly, the Chamber concludes that the applicant does not intend to pursue his application. In these circumstances it is no longer justified to continue the examination of the case. Moreover, such an outcome 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