



DECISION TO STRIKE OUT

Case no. CH/98/711

Ljubisav SREČKOVIĆ

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 7 June 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. On 13 February 1992 he entered into a purchase contract for an apartment in Ulica Ismeta Mujezinovića 30/3 in Sarajevo over which he held an occupancy right conferred by the Yugoslav National Army. The applicant paid the full purchase price on the next day. On 27 August 1994 the applicant and his wife left Sarajevo. The apartment was subsequently declared permanently abandoned and another family moved in.

2. On 12 March 1996 the applicant submitted a request to the General Staff of the Army of the Republic of Bosnia and Herzegovina to regain possession of the apartment, but the claim was rejected on 13 June 1997. On 19 May 1998 the applicant instituted administrative proceedings with the same objective before the Cantonal Administration for Housing Affairs. He obtained a positive decision from that body on 14 August 1998 and requested its enforcement on 16 November 1998. On 13 April 2000 he entered into possession of his apartment.

II. COMPLAINTS

3. The applicant alleged a violation of his right to property.

III. PROCEEDINGS BEFORE THE CHAMBER

4. The application was introduced on 18 June 1998 and registered on the same day. The applicant is represented by Mr. Žarko Bulić, a lawyer practising in Sarajevo.

5. On 8 July 1999 the Chamber decided to transmit the application to the respondent Parties for observations on admissibility and merits. The Federation of Bosnia and Herzegovina submitted observations on 8 September 1999. No observations were received from Bosnia and Herzegovina. The applicant sent further submissions on 4 October 1999 and on 28 January and 18 May 2000.

6. On 18 May 2000 the applicant informed the Chamber that he had finally entered into possession of his apartment.

IV. OPINION OF THE CHAMBER

7. 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.

8. The Chamber notes that the applicant has entered into possession of the apartment in question on 13 April 2000 and that the matter of his complaint is solved. 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

9. 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