



DECISION TO STRIKE OUT

Case no. CH/98/747

Zijah JUSUFOVIĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 5 December 2002 with the following members present:

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

Mr. Ulrich GARMS, 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)(b) of the Agreement, as well as Rules 49 and 52 of the Chamber's Rules of Procedure:

I. INTRODUCTION

1. This case concerns the applicant's attempts to regain possession of his property in Tuzla, situated at Armije BiH Street, no. 382.
2. The applicant initiated proceedings before the Municipal Secretariat for Housing and Utility Affairs (Općinski Sekretarijat za stambeno komunalne poslove) in 1997 to regain possession of his property. It seems that the applicant finally regained possession of his property in 2000, when the temporary occupant vacated the property.

II. PROCEEDINGS BEFORE THE CHAMBER

3. The application was introduced on 8 July 1998 and registered on the same day.
4. On 23 September 1998 the Chamber transmitted the application to the respondent Party for its 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.
5. On 23 August 2002 the respondent Party submitted additional information to the Chamber informing it that the applicant had been in possession of the property for two years.
6. On 28 August 2002 the Chamber sent this letter to the applicant at his pre-war address for his information. On 6 November 2002 the Chamber sent a letter to the applicant, by registered mail, asking him whether he had resolved his case and whether he wanted to continue the proceedings before the Chamber. The applicant never replied to this letter. According to the return receipt, he received this letter on 7 November 2002.

III. OPINION OF THE CHAMBER

7. 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."
8. Considering that the Federation of Bosnia and Herzegovina has notified the Chamber that the applicant has repossessed his property, the Chamber finds that the matter raised in the application has been resolved. The Chamber additionally notes that although the applicant was provided with an opportunity to respond to this information, he failed to do so. 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.

IV. CONCLUSION

9. 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