



DECISION TO STRIKE OUT

Case nos. CH/98/815 and CH/98/844

Mustafa SALIHEFENDIĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 7 February 2003 with the following members present:

Ms. Michèle PICARD, President
Mr. Miodrag PAJIĆ, Vice-President
Mr. Dietrich RAUSCHNING
Mr. Hasan BALIĆ
Mr. Rona AYBAY
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 applications 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 and Rule 49(2) of the Chamber's Rules of Procedure:

I. INTRODUCTION

1. The applications of Mr. Salihefendić were introduced on 30 July 1998 (CH/98/815) and 6 August 1998 (CH/98/844) and registered on the same day as introduced.

2. In the application of 30 July 1998, case no. CH/98/815, the applicant sought repossession of his pre-war apartment in Gračanica, the Federation of Bosnia and Herzegovina. In the application of 6 August 1998, case no. CH/98/844, he sought to be registered as the lawful owner over his apartment in Sarajevo, which he had purchased from the former Yugoslav National Army (“JNA”).

3. In case no. CH/98/815, the Chamber sent the applicant a letter via registered mail, which was returned to the Chamber with a note that the addressee was deceased. On October 10 2002, the Chamber contacted the applicant’s wife by telephone and confirmed that the applicant had died.

4. On 10 December 2002 in case no. CH/98/815 and on 13 January 2003 in case no. CH/98/844, the Chamber sent letters, via registered mail, requesting Mrs. Sadeta Salihefendić, as the surviving spouse of the applicant, to inform the Chamber whether she wished to continue proceedings before the Chamber. On 20 January 2003, Mrs. Salihefendić informed the Chamber that her husband had been successfully reinstated into possession of his apartment in Gračanica and registered as the legal owner over the apartment in Sarajevo, and that she did not wish to continue the proceedings before the Chamber in either of the mentioned cases.

II. OPINION OF THE CHAMBER

5. 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.”

6. The Chamber notes that the applicant’s wife has informed it that she does not intend to pursue the applications of her deceased husband, as the matters raised in both applications have been resolved. Furthermore, the Chamber finds no special circumstances regarding respect for human rights which require the examination of the applications to be continued. The Chamber therefore decides to strike out the applications.

III. CONCLUSION

7. For these reasons, the Chamber, unanimously,

STRIKES OUT THE APPLICATIONS.

(signed)
Ulrich GARMS
Registrar of the Chamber

(signed)
Michèle PICARD
President of the First Panel