



DECISION TO STRIKE OUT

Case no. CH/99/1431

Mihajlo VUJIĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 9 April 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 and Rules 49(2) and 52 of the Chamber's Rules of Procedure:

I. FACTS

1. The application was introduced on 12 January 1999. The applicant was the occupancy right holder over an apartment located at ul. Džemala Bijedića no. 32/II in Sarajevo, the Federation of Bosnia and Herzegovina ("the apartment"). He left the apartment during the armed conflict in Bosnia and Herzegovina. On 7 July 1998 the Administration of Housing Affairs of the Sarajevo Canton ("the Administration") confirmed the applicant's occupancy right over the apartment, entitling him to repossess it. The applicant requested the Administration several times to be reinstated into his apartment. On 12 May 2000 the applicant was finally reinstated into his apartment on the basis of the procedural decision of 7 July 1998.
2. The applicant has not alleged any specific human rights violations. He complained on non-enforcement of the Administration's decision.

II. OPINION OF THE CHAMBER

3. 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."
4. Considering that the applicant was reinstated into the apartment on 12 May 2000, the Chamber finds that the matter raised in the application has been resolved. The Chamber notes that the applicant has expressed his intention to pursue the application before the Chamber in regard to the compensation claim. The Chamber observes, however, that it can only award compensation if it makes a finding of a violation of the Agreement. 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

5. 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