



DECISION TO STRIKE OUT

Case no. CH/99/1466

Ratko DRAŠKOVIĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 6 December 2002 with the following members present:

Mr. Viktor MASENKO-MAVI, Acting President
Mr. Jakob MÖLLER
Mr. Mehmed DEKOVIĆ
Mr. Manfred NOWAK
Mr. Vitomir POPOVIĆ
Mr. Mato TADIĆ

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. INTRODUCTION

1. The application was introduced on 26 January 1999 and registered on the same day.
2. The applicant complained of his inability to repossess his pre-war apartment, located at Ulica Ive Andrića no. 6/XIV, in Sarajevo.
3. On 23 July 1998, acting on the applicant's request, the Administration for Housing Affairs of the Sarajevo Canton (Uprava za upravno rješavanje u stambenoj oblasti Kantona Sarajevo) (the "Administration") issued a decision confirming applicant's occupancy right over the apartment and allowing him to repossess it.
4. On 20 October 1998 the applicant submitted a request for enforcement of the Administration's decision.
5. On 15 November 2001 the applicant submitted a letter to the Chamber expressly stating that he does not intend to pursue his application and asking the Chamber to send his documents back to him.

II. OPINION OF THE CHAMBER

6. 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."
7. Considering that the applicant has informed the Chamber that he has been reinstated into possession of his pre-war apartment, the Chamber finds that the matter raised in the application has been resolved. 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.

III. CONCLUSION

8. For these reasons, the Chamber, unanimously,

STRIKES OUT THE APPLICATION.

(signed)
Ulrich GARMS
Registrar of the Chamber

(signed)
Victor MASENKO-MAVI
Acting President of the Second Panel