



DECISION TO STRIKE OUT

CASE No. CH/99/1532

Božidar MILOŠEVIĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 5 June 2001 with the following members present:

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

Mr. Peter KEMPEES, 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. INTRODUCTION

1. The application was introduced on 5 February 1999.
2. The applicant complained that the Administration of Administrative Housing Affairs of Sarajevo Canton, Novi Grad Department ("Administration") failed to decide upon his request of 9 October 1998 to carry out its procedural decision of 11 July 1998 and upon his request of 26 January 1999 to carry out the Decision of Commission for Real Property Claims of Displaced Persons and Refugees of 8 October 1998, both decisions confirming his occupancy right and allowing him repossession of his pre-war apartment located at ulica Senada Mandića Dede 2/VI in Sarajevo. In addition, the applicant requested the Chamber to award him compensation in the amount of 500 KM (convertible marks) per month from 9 October 1998 (when a Cantonal decision was issued) until he was reinstated into the apartment.
3. On 5 October 2000 the Chamber received a letter from the applicant's lawyer, Ms. Senija Poropat, stating that the applicant had repossessed his apartment on 22 November 1999. However, he maintained his claim for compensation of expenses of alternative accommodation (he lived with his daughter in Vogošća, a place close to Sarajevo) and legal costs.

II. OPINION OF THE CHAMBER

4. 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."
5. The Chamber finds that the applicant was reinstated to his apartment within a reasonable time; therefore, the matter 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. It follows that the application may be struck out of the list, pursuant to Article VIII(3) of the Agreement. Accordingly, the Chamber has no competence under Article XI of the Agreement to order any remedy, including compensation.

III. CONCLUSION

6. For these reasons, the Chamber, unanimously,

STRIKES OUT THE APPLICATION.

(signed)
Peter KEMPEES
Registrar of the Chamber

(signed)
Giovanni GRASSO
President of the Second Panel