



DECISION TO STRIKE OUT

Case no. CH/99/1775

Zdenko GRGIĆ

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 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 30 March 2000 and registered on the same day.
2. The applicant complained of his inability to repossess his pre-war apartment, located at Ulica Patroske Lige 22, in Sarajevo.
3. On 12 July 1998 the Administration for Housing Affairs of the Sarajevo Canton issued a procedural decision confirming the applicant's occupancy right over his pre-war apartment.
4. On 5 August 1999 the Commission for Real Property Claims of Displaced Persons and Refugees ("CRPC") issued a decision confirming the applicant's occupancy right over his pre-war apartment.
5. On 20 April 2000 the applicant informed the Chamber that his contact address should be the address of his pre-war apartment.
6. On 12 September 2002 the Chamber sent a letter by registered mail to the applicant asking him to confirm whether he had been reinstated into possession of his apartment and whether he would like to maintain his application. In this letter, the Chamber specifically warned the applicant that if he did not reply, the Chamber might decide to strike out his application. The Chamber received back the delivery receipt and its letter with an indication from the Postal Service that the applicant did not claim his mail.

II. 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. The Chamber notes that the applicant must have been reinstated into possession of his pre-war apartment prior to 20 April 2000, as on that date he informed the Chamber that the address of his pre-war apartment should be his contact address. That being so, the Chamber considers that the main issue raised in the application has been resolved. The Chamber also notes that the applicant did not respond to its letter asking him to confirm that he had been reinstated into possession of his apartment and inquiring whether he would like to maintain his application. 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, pursuant to Article VIII(3)(b) of the Agreement.

III. 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