



## **DECISION TO STRIKE OUT**

**Case no. CH/99/2244**

**Žarko STEVANOVIĆ**

**against**

**THE FEDERATION OF BOSNIA AND HERZEGOVINA**

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 13 October 2000 with the following members present:

Mr. Giovanni GRASSO, President  
Mr. Viktor MAŠENKO-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. FACTS**

1. The applicant is a citizen of Bosnia and Herzegovina. From an unspecified time in 1989 he was the occupancy right holder over an apartment located at Ulica Olimpiska 37/3 in Sarajevo, where he lived with his family. In 1993 his family left Sarajevo because of the war in Bosnia and Herzegovina, while he remained in Sarajevo.

2. In February 1996 the applicant left the apartment to seek medical treatment abroad and to visit his family. When he returned shortly thereafter, however, he discovered that another family occupied his apartment. The applicant submitted complaints to relevant municipalities and sought the assistance of various international organisations to regain his apartment.

3. On 23 June 2000 the Chamber received a letter from the applicant stating that his case had been “positively resolved” (without stating specifically what this meant), and that he no longer wished to pursue his application.

## **II. COMPLAINTS**

4. The applicant complained of violations of his right to respect for his home, as protected by Article 8 of the European Convention on Human Rights, and his right to property, as protected by Article 1 of Protocol No. 1 to the Convention.

## **III. PROCEEDINGS BEFORE THE CHAMBER**

5. The application was introduced on 22 February 1999 and registered on 2 June 1999.

6. On 23 June 2000 the applicant informed the Chamber that his case had been resolved and he no longer wished to pursue his application before the Chamber.

## **IV. OPINION OF THE CHAMBER**

7. According to Article VIII(3) of the Agreement, the Chamber may at any point decide to strike out an application on the ground that (a) the applicant does not intend to pursue her application; (b) the matter has been resolved; or (c) for any other reason established by the Chamber, it is no longer justified to continue the examination of the case. In all these situations, however, a decision to strike out an application must be consistent with the objective of respect for human rights.

8. The applicant has informed the Chamber that his case has been “positively resolved” and asks that the Chamber no longer consider his case. Accordingly, the Chamber concludes that the applicant no longer intends to pursue his application, given that his case has been “positively resolved”. In these circumstances it is no longer justified to continue the examination of the case. Moreover, such an outcome would not be inconsistent with the objective of respect for human rights.

## **V. CONCLUSION**

9. 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