



DECISION TO STRIKE OUT

Case no. CH/99/2354

Vlade VUKOBRAT

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 MASENKO-MAVI, Vice-President
Mr. Jakob MÖLLER
Mr. Mehmed DEKOVIĆ
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 as well as Rules 49(2) and 52 of the Chamber's Rules of Procedure:

I. FACTS

1. The applicant, a citizen of Bosnia and Herzegovina, is the holder of the occupancy right over an apartment located at Ulica Harmani H-15/3/II in Bihać in the Federation of Bosnia and Herzegovina. He left the apartment in May 1992 and moved to Banja Luka.

2. On 5 October 1998 the applicant applied to the relevant organ of the municipality of Bihać, requesting that he be allowed to regain possession of the apartment. On 20 April 1999, not having received any reply to this request, he lodged a complaint to the relevant organ of Una-Sana canton against the failure of the municipality to decide upon it. On 29 November 1999 the Municipal Service for Renewal and Housing-Communal Affairs in Bihać issued a decision, entitling the applicant to regain possession of the apartment and terminating the right of the temporary occupant to reside there. On 25 February 2000 the applicant requested execution of this decision. On 6 June 2000 the applicant regained possession of the apartment due to the enforcement of the decision of 29 November 1999 referred to above.

II. COMPLAINTS

3. The applicant complained of violations of his rights as guaranteed by Article 8 of the European Convention on Human Rights and by Article 1 of Protocol No. 1 to the Convention.

III. PROCEEDINGS BEFORE THE CHAMBER

4. The application was introduced on 14 September 1999 and registered on the same day. The applicant is represented by Ms. Danijela Vukobrat.

5. On 16 May 2000 the Chamber wrote to the applicant's representative, requesting further information. On 29 June 2000 she stated that the applicant had regained possession of the apartment concerned and that the applicant considered the matter to be resolved.

IV. OPINION OF THE CHAMBER

6. 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 his 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.

7. The Chamber notes that the applicant complained of his inability to regain possession of the apartment which he occupied until 1992. He has now managed to regain possession of it and has stated that he considers the matter to be resolved.

8. Accordingly, the Chamber concludes that the matter has been 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