



DECISION TO STRIKE OUT

Case no. CH/99/2385

Pavle DRAGIČEVIĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 8 June 2000 with the following members present:

Ms. Michèle PICARD, President
Mr. Andrew GROTRIAN, Vice-President
Mr. Dietrich RAUSCHNING
Mr. Hasan BALIĆ
Mr. Rona AYBAY
Mr. Želimir JUKA

Mr. Anders MÅNSSON, 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(2) and (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 of Serb descent. He is the owner of property, consisting of a house and some land, located in Sanski Most, in the Federation of Bosnia and Herzegovina. In 1995 he left Sanski Most due to the hostilities, and moved to Banja Luka.

2. On 15 March 1999 the applicant applied to the relevant organ of the municipality of Sanski Most, requesting that he be enabled to regain possession of his property. On 9 June 1999 the municipality issued a decision in these terms, terminating the right of the occupant to occupy the house and ordering that it be returned into the possession of the applicant. On 9 September 1999 the applicant requested that this decision be enforced. On 17 April 2000 the applicant succeeded in regaining possession of his property.

II. COMPLAINTS

3. The applicant complains of violations of his rights as guaranteed by Articles 6 and 8 of the European Convention on Human Rights and by Article 1 of Protocol No. 1 to the Convention. He also claims that he has been discriminated against in the enjoyment of the above rights on the basis of her Serb origin.

III. PROCEEDINGS BEFORE THE CHAMBER

4. The application was introduced on 12 October 1999 and registered on the same day.

5. On 12 May 2000 the applicant, in response to a request from the Chamber for further information relating to his case, informed it that he has regained possession of his house on 17 April 2000.

IV. OPINION OF THE CHAMBER

6. According to Article VIII(3) of the Agreement, the Chamber may decide to strike out an application if, *inter alia*, the matter has been resolved. Such a decision, however, must be consistent with the objective of respect for human rights.

7. The Chamber notes that the applicant regained possession of the property concerned in the application on 17 April 2000. His complaint to the Chamber concerned his inability to do so. Accordingly, the application has been resolved. The Chamber therefore considers that it is no longer justified to continue with its examination of the application. Moreover, such an outcome would not be inconsistent with the objective of respect for human rights.

V. CONCLUSION

8. For these reasons, the Chamber, unanimously,

STRIKES OUT THE APPLICATION.

(signed)
Anders MÅNSSON
Registrar of the Chamber

(signed)
Michèle PICARD
President of the First Panel