



## **DECISION TO STRIKE OUT**

**Case no. CH/99/2620**

**Sreten ŠILJKUT**

**against**

**THE FEDERATION OF BOSNIA AND HERZEGOVINA**

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 11 October 2002 with the following members present:

Mr. Viktor MASENKO-MAVI, Acting President  
Mr. Jakob MÖLLER  
Mr. Mehmed DEKOVIĆ  
Mr. Vitomir POPOVIĆ  
Mr. Mato TADIĆ

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 to Article VIII(3)(a) of the Agreement and Rules 49(2) and 52 of the Chamber's Rules of Procedure:

**I. INTRODUCTION**

1. The application was introduced on 25 June 1999, and registered on the same day.
2. This case concerns the applicant's attempts to regain possession of his pre-war apartment located at Trifka Đokica 40, Vogosca, Federation of Bosnia and Herzegovina.
3. On 18 September 1998, the applicant requested the Sarajevo Cantonal Housing Department (Uprava za upravno rješavanje u stambenoj oblasti) to return possession of his pre-war apartment to him. On 20 December 1998, the applicant commenced proceedings in the Sarajevo Cantonal Court (Kantonalo sud u Sarajevo) against the Ministry of Housing Affairs (Ministartstvo za stambene poslove) for failure to issue a decision on his claim within the deadline. On 14 June 1999, the applicant submitted a repossession claim to the Commission for Real Property Claims of Displaced Persons and Refugees ("CRPC").
4. On 23 October 2000, the applicant informed the Chamber that he wished to terminate the proceedings before the Chamber, as he had resolved his legal problems.

**II. OPINION OF THE CHAMBER**

5. 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 (a) the applicant does not intend to pursue his application; ... provided that such a result is consistent with the objective of respect for human rights."
6. The Chamber notes that the applicant has informed it that he does not intend to pursue 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)(a) of the Agreement.

**III. CONCLUSION**

7. For these reasons, the Chamber, unanimously,

**STRIKES OUT THE APPLICATION.**

(signed)  
Ulrich GARMS  
Registrar of the Chamber

(signed)  
Viktor MASENKO-MAVI  
Acting President of the Second Panel