



DECISION TO STRIKE OUT

Case No. CH/99/2829

Ratko SUBOTIĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 5 September 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. Miodrag PAJIĆ

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(3) of the Agreement and Rules 49(2) and 52 of the Chamber’s Rules of Procedure:

I. FACTS

1. The applicant is a citizen of Bosnia and Herzegovina. During the war in Bosnia and Herzegovina he left his apartment located at Ulica Žrtava Fašizma br. 1/VI in Sarajevo. On 25 May 1998, after returning to Sarajevo, the applicant submitted a claim to the Administration for Housing Affairs seeking to regain possession of his home. On 11 December 1998 he received a procedural decision in his favour.

2. On 22 March 1999 the applicant submitted a request to the same administration asking that the decision of 11 December 1998 be enforced and the illegal occupant be evicted. On 22 August 1999 the applicant resubmitted this request as no action had been taken.

3. On 22 June 2000 the applicant entered into possession of his apartment.

II. COMPLAINTS

4. The applicant complained that his right to respect for his home as protected by Article 8 of the European Convention on Human Rights had been violated. Further, he asserted that his right to a fair hearing, as protected by Article 6 of the Convention, had been violated as well.

III. PROCEEDINGS BEFORE THE CHAMBER

5. The application was introduced on 2 September 1999 and registered on 13 September 1999.

6. On 8 August 2000 the Chamber received a letter from applicant stating that, on 22 June 2000, he entered into possession of his apartment and that he no longer wished to pursue his application.

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. In the present case the applicant has informed the Chamber that he has regained possession of his apartment and therefore requests that his application be withdrawn. Accordingly, the Chamber concludes that the underlying matter has been resolved and that the applicant no longer wishes to pursue his application. 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)
Anders MÅNSSON
Registrar of the Chamber

(signed)
Michèle PICARD
President of the First Panel