



DECISION TO STRIKE OUT

CASE No. CH/99/2834

Nedo SIMOVIĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 6 June 2001 with the following members present:

Mr. Giovanni GRASSO, President
Mr. Viktor MASENKO-MAVI, Vice President
Mr. Jakob MÖLLER
Mr. Mehmed DEKOVIĆ
Mr. Manfred NOWAK
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 Rules 49(2) and 52 of the Chamber’s Rules of Procedure:

I INTRODUCTION

1. The application was introduced to the Chamber on 3 September 1999 and registered on 13 September 1999.

2. The applicant complains of his inability to return to his pre-war apartment located at Ulica Behdžeta Mutevelića 16/pr. (formerly Rave Jankovića 16/ pr.) in Sarajevo. On 14 May 2001 the applicant informed the Chamber that he had been reinstated into his apartment on 17 February 2001, and therefore, the applicant does not wish to pursue the proceedings against the Federation of Bosnia and Herzegovina before the Chamber.

II. OPINION OF THE CHAMBER

3. 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 result is consistent with the objective of respect for human rights.”

4. The Chamber finds that the applicant does not wish 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. It follows that the application may be struck out of the list.

III. CONCLUSION

5. For these reasons, the Chamber, unanimously,

STRIKES THE APPLICATION OUT.

(signed)
Peter KEMPEES
Registrar of the Chamber

(signed)
Giovanni GRASSO
President of the Second Panel