



DECISION TO STRIKE OUT

Case no. CH/99/3033

Sulejman ZDIONICA

against

THE REPUBLIKA SRPSKA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 5 December 2002 with the following members present:

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

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

I. INTRODUCTION

1. The case concerns the applicant's attempts to regain possession of his pre-war family house and land located at Ulica 1 Maja 11, Novi Grad/Bosanski Novi, the Republika Srpska.
2. On 4 March 1999, the applicant requested the Ministry for Refugees and Displaced Persons of Novi Grad (OMI Novi Grad) to return possession of his pre-war property to him. On 4 June 1999, OMI Novi Grad issued a decision in favour of the applicant.
3. In May 2000, the applicant entered into possession of his pre-war property.

II. PROCEEDINGS BEFORE THE CHAMBER

4. The application was introduced on 12 October 1999 and registered on 25 October 1999.
5. In September 2002, the Chamber received information from the Commission for Real Property Claims of Displaced Persons and Refugees ("CRPC") that, according to the CRPC repossession database, the applicant was registered as having been reinstated into possession of his property.
6. On 30 September 2002, the Chamber requested the applicant to confirm this information.
7. On 9 October 2002, the Chamber received a letter from the applicant requesting that the proceedings before the Chamber continue as the applicant's son had not yet repossessed his property.
8. On 14 October 2002, the Chamber requested the applicant to clarify who was the owner of the property that was the subject of the application. The applicant responded on 22 October 2002 that he had repossessed his house, but that his son, whose house is adjacent to his, has not yet repossessed his property.

III. OPINION OF THE CHAMBER

9. 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 ... (b) the matter has been resolved; ... provided that such a result is consistent with the objective of respect for human rights."
10. The Chamber notes that the applicant lodged his application with a view to regaining possession of his property, and in May 2000, while the case was still pending before the Chamber, he regained such possession. That being so, the Chamber considers that the main issue raised in the application has been resolved.
11. The applicant further seeks the Chamber's assistance with the repossession of his son's house; however, that claim was not the subject of the original application and the applicant's son is not a co-applicant to his father's application. Therefore, the claim regarding the son's repossession of his house is not properly before the Chamber and the Chamber cannot consider it.
12. As the applicant has not drawn the Chamber's attention to any special circumstances regarding the respect for human rights which would require the examination of the application to be continued after the main issue raised in the application has been resolved, the Chamber considers that no such special circumstances are present in this application. The Chamber, therefore, decides to strike out the application, pursuant to Article VIII(3)(b) of the Agreement.

IV. CONCLUSION

13. For these reasons, the Chamber, unanimously,
STRIKES OUT THE APPLICATION.

(signed)
Ulrich GARMS
Registrar of the Chamber

(signed)
Michèle PICARD
President of the First Panel