



## **DECISION TO STRIKE OUT**

**Case no. CH/99/3355**

**Andrej RANISAV**

**against**

**THE FEDERATION OF BOSNIA AND HERZEGOVINA**

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 10 May 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 to Article VIII(3)(b) of the Agreement and Rules 49(2) and 52 of the Chamber's Rules of Procedure:

**I. INTRODUCTION**

1. The application was introduced on 15 December 1999.
2. The applicant complained of his inability to repossess his pre-war apartment, located at Ulica Paromlinska no. 39, in Sarajevo.
3. On 9 April 2001 the applicant's lawyer informed the Chamber that the applicant has been reinstated into possession of his apartment on 26 March 2001. However, since the applicant was forced to rent an apartment while he was refugee, he maintains his claims for compensation and procedural costs.

**II. OPINION OF THE CHAMBER**

4. 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."
5. Considering that the applicant has been reinstated into possession of his apartment, the Chamber finds that the matter raised in the application has been resolved. The Chamber notes that the applicant has expressed his intention to pursue the application before the Chamber in regard to the compensation claim. The Chamber observes, however, that it can only award compensation if it makes a finding of a violation of the Agreement. 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.

**III. CONCLUSION**

6. 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