



DECISION TO STRIKE OUT

Case no. CH/97/64

Josip BENZIJA

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 4 July 2000 with the following members present:

Mr. Andrew GROTRIAN, Acting 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 Rule 52 of the Chamber's Rules of Procedure:

I. FACTS

1. The applicant is a citizen of Bosnia and Herzegovina and a pensioner. Since 1978, he held an occupancy right over an apartment in Sarajevo (Ulica Ferhata Bećirbegović 35). On 8 April 1992 the applicant left Sarajevo to undergo medical treatment. When he returned in 1996, he found himself unable to regain possession of his apartment because other persons had moved into it. He requested the Municipal Administration for Housing Affairs to allow him to return to his apartment, but his claim was rejected on 15 April 1996 as having been submitted too late. On 13 June 1996 the applicant appealed against this decision to the competent administrative organ of second instance.

II. COMPLAINTS

2. The applicant alleges a violation of his right to property.

III. PROCEEDINGS BEFORE THE CHAMBER

3. The application was introduced on 23 August 1997 and registered on the same day.

4. On 17 October 1997 the Chamber invited the applicant to report to it about the latest developments in his case. The applicant did not reply. On 17 May 2000 the Chamber sent another letter to the applicant in order to learn about the present stage of his case and informing him that failure to answer within one month from the receipt of this letter could result in his case being struck out. Again, the applicant did not reply.

IV. OPINION OF THE CHAMBER

5. 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 his 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.

6. The Chamber notes that the applicant has not replied despite two requests to inform it of the latest developments in his case. It appears that the applicant does no longer wish to pursue his application. Therefore, the Chamber finds that it is no longer justified to continue the examination of the case. Moreover, such a result would not be inconsistent with the objective of respect for human rights.

V. CONCLUSION

7. For these reasons, the Chamber, unanimously,

STRIKES OUT THE APPLICATION.

(signed)
Anders MÅNSSON
Registrar of the Chamber

(signed)
Andrew GROTRIAN
Acting President of the First Panel