



DECISION TO STRIKE OUT

Case no. CH/98/117

Cvijeta PEROVIĆ

against

**BOSNIA AND HERZEGOVINA
and
THE FEDERATION OF BOSNIA AND HERZEGOVINA**

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 8 September 1999 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. 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 as well as Rule 52 of the Chamber's Rules of Procedure:

I. FACTS

1. On 7 March 1992 the applicant concluded a purchase contract for a JNA apartment in Sarajevo at 22 Skenderija St. and paid the purchase price due. On 14 February 1992 the applicant submitted an application to the Court of First Instance seeking to establish that she was entitled recognition of ownership of the apartment and to be registered as such. The applicant left Sarajevo on 25 November 1992 with permission to receive medical treatment abroad. The applicant's apartment was declared abandoned on 6 December 1992. The applicant has sought to regain possession of her apartment by following the local administrative and court procedures. Her attempts to re-enter possession of the apartment to date have not been recognized by the respondent Parties.

2. The applicant also lodged an application to regain possession of her apartment to the Commission for Real Property Claims of Displaced Persons and Refugees ("the Annex 7 Commission") on 6 March 1997.

II. COMPLAINTS

3. The applicant complained that her right to her property had been violated.

III. PROCEEDINGS BEFORE THE CHAMBER

4. The application was introduced on 5 January 1998 and registered on the same day.

5. On 18 June 1999 the Chamber wrote to the applicant asking whether her application raised matters essentially different from or additional to the subject matter brought before the Annex 7 Commission or if there were any other reasons why the Chamber should nevertheless consider the case.

6. On 8 July 1999 the applicant informed the Chamber that her case should be stricken from the list of cases to be considered.

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 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.

8. In the present case the Chamber recalls that the applicant has requested that her case be stricken from the list of cases to be considered. Accordingly, the Chamber concludes that the applicant does not intend to pursue her application before the Chamber. 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.

IV. 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