



DECISION TO STRIKE OUT

Case no. CH/98/208

Ćamila BRAVO

against

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

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 9 October 1999 with the following members present:

Mr. Viktor MASENKO-MAVI, Acting President
Mr. Jakob MÖLLER
Mr. Mehmed DEKOVIĆ
Mr. Manfred NOWAK
Mr. Mato TADIĆ

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. The applicant has been an occupancy right holder over an apartment at Džemala Bijedića No. 33 (formerly No. 27 A) Sarajevo, since 1986. In April 1992, she temporarily stayed in Grbavica and could not return to her apartment due to the hostilities. Some time thereafter, the Municipal Secretariat for Housing Affairs declared her apartment as temporarily abandoned and allocated it to another person.

2. On 17 May 1996 the applicant submitted a request for reinstatement into her apartment to the Municipal Secretariat. The request was rejected as being out of time on 6 July 1996. The applicant appealed to the second instance administrative organ, which accepted the appeal and returned the case to the first instance for reconsideration. Accordingly, the Administration for Housing Affairs of the Canton Sarajevo, the then competent first instance administrative organ, issued a procedural decision on 28 November 1997, allowing the applicant to be reinstated into her apartment.

3. The applicant further received a favourable decision of 12 November 1998 by the Commission for Real Property Claims of Displaced Persons and Refugees as instituted by Annex 7 to the General Framework Agreement for Peace in Bosnia and Herzegovina. The applicant had been able to return to her apartment in the meantime.

II. COMPLAINT

4. The applicant complained, *inter alia*, of violations of her right to a home and of her right to property.

III. PROCEEDINGS BEFORE THE CHAMBER

5. The application was referred to the Chamber by the Ombudsperson on 17 February 1998 and registered on 6 March 1998. In her application to the Ombudsperson, the applicant had named Bosnia and Herzegovina as respondent Party.

6. On 13 May and 1 June 1998, respectively, the Chamber decided to transmit the application for observations on the admissibility and merits to Bosnia and Herzegovina and the Federation of Bosnia and Herzegovina. On 29 June 1998 the Federation submitted its observations. Bosnia and Herzegovina did not reply, however. By a letter of 6 July 1998 the applicant was invited to submit written observations in reply. She did not respond.

7. By a letter of 2 June 1999 the applicant informed the Chamber that she had regained possession of her apartment and requested the Chamber to terminate the proceedings in her case.

IV. OPINION OF THE CHAMBER

8. 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.

9. In the present case the Chamber notes that the applicant has re-entered her apartment and wishes that the Chamber terminate its proceedings in her case. Moreover, the matter originally complained of has been resolved. In these circumstances, the Chamber finds that it is no longer justified to continue the examination of the present case. Such an outcome would not be inconsistent with the objective of respect for human rights.

V. CONCLUSION

10. For these reasons, the Chamber, unanimously,

STRIKES OUT THE APPLICATION.

(signed)
Anders MÅNSSON
Registrar of the Chamber

(signed)
Victor MASENKO-MAVI
Acting President of the Second Panel