



DECISION TO STRIKE OUT

Case no. CH/99/2351

Radmila SAVIĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 9 December 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 Rules 49(2) and 52 of the Chamber's Rules of Procedure:

I. FACTS

1. The applicant is a citizen of Bosnia and Herzegovina. Her late husband was the holder of the occupancy right over an apartment located at Il Krajiške Brigada no. 23 in Bihać, the Federation of Bosnia and Herzegovina, which he and the applicant were forced to leave due to the hostilities. The apartment was subsequently occupied by other persons.

2. On 16 June 1998 the applicant requested the Bihać Municipal Department for Urbanism and Geodetic-Cadastral Affairs to order the return of the apartment into her possession. On 21 September 1998 it issued a decision confirming her occupancy right over the apartment and ordering the current occupant to vacate it within ninety days. On 11 May 1999 the applicant requested the department to evict the occupant. There have been several attempts to evict the occupant.

II. COMPLAINTS

3. The applicant complained of violations of her rights to peaceful enjoyment of her possessions, to respect for her home, to access to court or any other body and to an effective domestic remedy. She also complained that she had been discriminated against in the enjoyment of those rights.

III. PROCEEDINGS BEFORE THE CHAMBER

4. The application was introduced on 10 September 1999 and registered on the same day. On 8 November 1999 the applicant informed the Registry that she had entered into possession of her apartment and that she wanted to withdraw her application before the Chamber.

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 application. In all these situations, however, a decision to strike out an application must be consistent with the objective of respect for human rights.

6. In the present case the Chamber notes that the applicant entered into possession of her apartment and that she decided to withdraw her application before the Chamber. Accordingly, the Chamber finds that the applicant does not intend to pursue her application.

7. In these circumstances it is no longer justified to continue the examination of the application. Moreover, such an outcome would not be inconsistent with the objective of respect for human rights.

V. CONCLUSION

8. 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