



DECISION TO STRIKE OUT

Case no. CH/99/1509

Veselinka MARKOVIĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 9 March 2000 with the following members present:

Ms. Michèle PICARD, President
Mr. Andrew GROTRIAN, Vice-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 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. She is the holder of the occupancy right over an apartment located at Avde Hume Street no. 5 in Sarajevo, which she was forced to leave during the hostilities. The apartment was subsequently occupied by other persons.

2. On 11 May 1998 the applicant requested the Cantonal Administration of Housing Affairs to order the return of the apartment into her possession. When the applicant submitted the application to the Chamber, in February 1999, no decision on her reinstatement into the apartment had been taken. On 14 February 2000, however, the applicant informed the Chamber that she had regained possession of her apartment.

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 the competent administrative body and to an effective domestic remedy.

III. PROCEEDINGS BEFORE THE CHAMBER

4. The application was introduced on 1 February 1999 and registered on the same day. On 14 February 2000 the applicant informed the Chamber that she wished to withdraw her application before the Chamber as she had entered into possession of her apartment.

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 her 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. In the present case the Chamber notes that the applicant has entered into possession of her apartment and that she expressed the wish to withdraw her application before the Chamber. Accordingly, the Chamber finds that the matter has been resolved and 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