



DECISION TO STRIKE OUT

Case no. CH/99/1435

Jelena BOROVIĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 5 September 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. Rona AYBAY

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. She held the occupancy right over an apartment located at Ulica Hašima Spahića 7 (formerly Đure Đakovića 3) in Ilijaš. She and her family left the apartment during the war in Bosnia and Herzegovina. When they returned in March 1998 they discovered the apartment was occupied by N.S. on the basis of a procedural decision from the relevant municipal authority from January 1997.

2. The applicant began various proceedings to have N.S. evicted and regain possession of the apartment. In a letter dated 20 July 2000 the applicant informed the Chamber that she had regained possession of the apartment, without specifying how or when.

II. COMPLAINTS

3. The applicant complains of violations the right to fair proceedings (Article 6 of the European Convention on Human Rights) and the right to respect for her property (Article 8 of the Convention).

III. PROCEEDINGS BEFORE THE CHAMBER

4. The application was introduced and registered on 13 January 1999.

5. On 20 July 2000 the applicant informed the Chamber that she had regained possession of her apartment and, as the reason for her application had been solved, no longer wished to pursue the case.

IV. OPINION OF THE CHAMBER

6. 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.

7. In this case, the applicant has informed the Chamber that she has regained possession of the apartment. Accordingly, the Chamber concludes that the underlying matter has been resolved. Also, the applicant has expressed she no longer wished to pursue her case. 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.

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