



DECISION TO STRIKE OUT

Case no. CH/99/1639

Radosava VUJIĆ

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 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. 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 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 attempting to regain possession of the apartment located at Ulica Trnovska 2A/5 br. 10 in Sarajevo, over which she has the occupancy right.
2. At the applicant's request the Administration for Housing Affairs issued a procedural decision on 31 August 1998 terminating the temporary occupancy right of M.D., the occupant of the apartment. The procedural decision also directed M.D. to vacate the apartment in question within 30 days. On 6 October 1998 the applicant submitted a request for execution of the procedural decision. M.D. filed an appeal against the decision which the second instance body denied on 26 November 1998. The Administration for Housing Affairs held a hearing on 28 January 1999 regarding the eviction but delayed issuing a procedural decision due to an impending agency name change.
3. On 31 May 2000 the applicant informed the Chamber that she had entered into possession of her apartment.

II. COMPLAINT

4. The applicant does not complain of any specific violations but requests the Chamber's help in securing possession of her apartment.

III. PROCEEDINGS BEFORE THE CHAMBER

5. The application was introduced to the Chamber on 24 February 1999 and registered on 27 February 1999.
6. On 31 May 2000 the Chamber received a letter from the applicant stating she had entered into possession of her apartment.

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 the matter has been resolved. However, a decision to strike out an application must be consistent with the objective of respect for human rights.
8. The applicant has informed the Chamber that she entered into possession of her apartment. Accordingly, the Chamber finds that the underlying matter of the application has been resolved. 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

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