



DECISION TO STRIKE OUT

CASE No. CH/97/43

Jelica ŠUJANSKI

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 12 January 2001 with the following members present:

Ms. Michèle PICARD, President
Mr. Andrew GROTRIAN, Vice President
Mr. Dietrich RAUSCHNING
Mr. Hasan BALIĆ
Mr. Želimir JUKA

Mr. Peter KEMPEES, 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. INTRODUCTION

1. The application was introduced. on 9 March 1997 by Mr. Svetislav Šujanski. Mr. Šujansk died on 8 February 1999. His widow, Ms. Jelica Šujanski, requested that she be allowed to continue with the application in her name. The Chamber acceded to this request.

2. The applicant complained of her inability to regain possession of an apartment in Sarajevo over which she holds the occupancy right. On 11 March 1996 her late husband took the first steps to seek to regain possession of it. On 27 April 1998 they succeeded in regaining possession of the apartment. The applicant has lived there since that date. The applicant requests compensation for the delay in her regaining possession of the apartment but has not provided details of any losses she incurred in this regard.

II. OPINION OF THE CHAMBER

3. Having regard to Article VIII(3) of the Agreement, the Chamber finds that the matter raised in the application has been resolved. It further considers that it is not justified to continue the consideration of the application solely to decide on compensation in this case. Furthermore, the Chamber finds no special circumstances regarding respect for human rights which require the examination of the application to be continued. It follows that the application must be struck out of the list.

III. CONCLUSION

4. For these reasons, the Chamber, unanimously,

STRIKES THE APPLICATION OUT.

(signed)
Peter KEMPEES
Registrar of the Chamber

(signed)
Michèle PICARD
President of the First Panel