



DECISION TO STRIKE OUT

CASE No. CH/98/132

Nadija MIRKOV

against

**BOSNIA AND HERZEGOVINA
and
THE FEDERATION OF BOSNIA AND HERZEGOVINA**

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 8
May 2001 with the following members present:

Mr. Giovanni GRASSO, President
Mr. Viktor MASENKO-MAVI, Vice-President
Mr. Jakob MÖLLER
Mr. Mehmed DEKOVIĆ
Mr. Manfred NOWAK
Mr. Vitomir POPOVIĆ
Mr. Mato TADIĆ

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 19 January 1998.
2. On 29 March 1990 the JNA allocated the applicant's husband an apartment at Ulica Armije Bosne i Hercegovine 17/39 (then Ulica Skojevska 53/39) in Tuzla. On 20 March 1992 the applicant's husband purchased the apartment. The price was not paid off. On 15 May 1992 the applicant's husband left the apartment and settled in the FR of Yugoslavia. The applicant stayed in the apartment.
3. On 26 February 1995 the applicant's husband died. On 9 October 1998 the occupancy right over the apartment was transferred to the applicant. On 26 January 2000 the applicant entered into a new contract on purchase of the apartment with the Ministry of Defence of the Federation of Bosnia and Herzegovina. She has registered her ownership over the apartment.
4. The applicant complains of a violation of her right to home and of her right to peaceful enjoyment of her possession of the apartment.

II. OPINION OF THE CHAMBER

5. Having regard to Article VIII(3) of the Agreement, the Chamber finds that the matter raised in the application has been resolved. 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 may be struck out of the list.

III. CONCLUSION

6. For these reasons, the Chamber, unanimously,

STRIKES THE APPLICATION OUT.

(signed)
Peter KEMPEES
Registrar of the Chamber

(signed)
Giovanni GRASSO
President of the Second Panel