



DECISION TO STRIKE OUT

CASE No. CH/98/198

Muharema AVDIĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 3 July 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 Rule 52 of the Chamber's Rules of Procedure:

I. INTRODUCTION

1. The application was introduced on 24 February 1998.
2. The applicant complained of not being reinstated into her apartment at Ulica Željeznička 7 in Zenica.
3. On 4 January 2000, the respondent Party informed the Chamber that the applicant had repossessed her apartment on 25 April 1999. On 12 June 2001, the applicant confirmed this information.

II. OPINION OF THE CHAMBER

4. In accordance with Article VIII(3) of the Agreement, “the Chamber may decide at any point in its proceedings to suspend consideration of, reject or strike out, an application on the ground that ... (b) the matter has been resolved; ... provided that such a result is consistent with the objective of respect for human rights.”
5. As set forth in its decision on admissibility in *S.P. v. the Federation of Bosnia and Herzegovina* (case no. CH/99/2336, decision on admissibility of 2 July 2001, paragraph 13-14), when the Chamber decides whether to strike out an application, the “factors to be taken into consideration may include, but are not limited to, the length of time that has elapsed between the date on which the application was lodged and the date on which the applicant is reinstated, and the state the proceedings have reached when the Chamber is informed of the applicant’s reinstatement. In general, the sooner the applicant is reinstated, and the less advanced the stage of the proceedings reached, the greater the likelihood that the Chamber will consider it appropriate to strike the application out.”
6. In the present case, the Chamber notes that the applicant lodged her application with a view to being reinstated into possession of her apartment. As stated above, the applicant regained possession of her apartment while the case was still pending before the Chamber. That being so, the Chamber considers that the main issue raised in the application has been resolved. The applicant has not drawn the Chamber’s attention to any special circumstances regarding the respect for human rights which would require the examination of the application to be continued, and the Chamber itself considers that none are present. It follows that the application may be struck out of the list, pursuant to Article VIII(3) of the Agreement.

III. CONCLUSION

7. For these reasons, the Chamber, unanimously,

STRIKES OUT THE APPLICATION.

(signed)
Peter KEMPEES
Registrar of the Chamber

(signed)
Giovanni GRASSO
President of the Second Panel