



DECISION TO STRIKE OUT

Case no. CH/00/5248

Hamidija PEPIĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 8 February 2002 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. Ulrich GARMS, 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)(a) of the Agreement and Rule 52 of the Chamber's Rules of Procedure:

I. INTRODUCTION

1. The application was introduced on 27 June 2000. The applicant complained that the Administration for Housing Affairs of the Sarajevo Canton ("the Administration") failed to decide upon her request for repossession of her pre-war apartment located at ul Safet Bega Bašagića (previously Miloša Obilića) no. 53 in Sarajevo. On 6 March 2000 the applicant appealed against the "silence of the administration" to the Sarajevo Ministry of Physical Planning, Housing and Communal Affairs. Receiving no decision upon her appeal, she initiated an administrative dispute before the Sarajevo Cantonal Court on 23 March 2000.

2. On 30 October 2001 the Chamber received a letter from the applicant's representative, Mr. Ismet Švraka, stating that the applicant has reposessed her apartment on 29 October 2001. The applicant therefore withdraws the application before the Chamber.

II. OPINION OF THE CHAMBER

3. 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 (a) the applicant does not intend to pursue her application; ... provided that such a result is consistent with the objective of respect for human rights."

4. The Chamber notes that the applicant has informed it that she no longer intends to pursue her application. Furthermore, the Chamber finds no special circumstances regarding respect for human rights which require the examination of the application to be continued. The Chamber therefore decides to strike out the application.

III. CONCLUSION

5. For these reasons, the Chamber, unanimously,

STRIKES OUT THE APPLICATION.

(signed)
Ulrich GARMS
Registrar of the Chamber

(signed)
Giovanni GRASSO
President of the Second Panel