



DECISION TO STRIKE OUT

Case no. CH/98/1010

Nevenka HACIBASIOGLU

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 11 October 2002 with the following members present:

Mr. Viktor MASENKO-MAVI, Acting President
Mr. Jakob MÖLLER
Mr. Mehmed DEKOVIĆ
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) and (b) of the Agreement and Rules 49(2) and 52 of the Chamber's Rules of Procedure:

I. FACTS

1. The application was introduced on 14 October 1998.
2. The application concerns three different complaints by the applicant. First, the applicant complains about her attempts to repossess her pre-war apartment, located at Hadži – Idriz no. 3/III, Sarajevo. Second, the applicant complains that she did not receive a pension from 1 June to 30 December 1997. Third, she complains that as a frozen foreign currency savings account holder with the Ljubljanska banka in Sarajevo, she is unable to dispose of her bank account because it is frozen. The applicant has not submitted any relevant documentation concerning her two last complaints.
3. The Commission for Real Property Claims of Displaced Persons and Refugees (“CRPC”) informed the Chamber that the applicant had been reinstated into her pre-war apartment.
4. On 15 May 2002, the Chamber sent a letter to the applicant asking her to confirm her reinstatement. On 21 May 2002, the applicant confirmed that she had succeeded to enter into possession of her pre-war apartment and that she had resolved her housing problem.
5. On 2 July 2002 and 31 July 2002, the Chamber sent letters by registered mail to the applicant asking her if she intends to pursue her application in respect of her pension and savings account, and if so, to submit all relevant documentation. These letters specifically warned the applicant that if she did not respond to them, the Chamber might decide to strike out her application. The Chamber received the delivery receipts signed by the applicant. However, the applicant never responded to the Chamber’s letters.

II. OPINION OF THE CHAMBER

A. Concerning the applicant’s request for repossession

6. 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 result is consistent with the objective of respect for human rights”.
7. Considering the applicant’s statement that she had resolved her housing problem, the Chamber finds that the matter raised in the application concerning the applicant’s request for repossession of her pre-war apartment has been resolved. Furthermore, the Chamber finds no special circumstances regarding respect for human rights which require the examination of this part of the application to be continued. The Chamber, therefore, decides to strike out this part of the application.

B. Concerning the applicant’s complaints about her pension and savings account

8. 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 his/her application; ... provided that such result is consistent with the objective of respect for human rights.”
9. The Chamber notes that the applicant received the Chamber’s letters, asking her if she intends to pursue her application and if so, to submit all relevant documentation. However, the applicant has not responded to these letters, nor has she submitted any documentation to substantiate her claims. The Chamber therefore finds that the applicant does not intend to pursue her application. Furthermore, the Chamber finds no special circumstances regarding respect for human rights which require the examination of these parts of the application to be continued. The Chamber therefore decides to strike out these parts of the application as well.

III. CONCLUSION

10. For these reasons, the Chamber unanimously,

STRIKES OUT THE APPLICATION.

(signed)
Ulrich GARMS
Registrar of the Chamber

(signed)
Viktor MASENKO-MAVI
Acting President of the Second Panel