



DECISION TO STRIKE OUT

Case no. CH/00/5022

Ramiza KARAIČIĆ

against

**BOSNIA AND HERZEGOVINA, THE REPUBLIKA SRPSKA AND
THE FEDERATION OF BOSNIA AND HERZEGOVINA**

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 12 October 2002 with the following members present:

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

I. INTRODUCTION

1. The application was introduced on 1 June 2000 and registered on the same day.
2. The applicant complained of her inability to repossess her pre-war apartment, located at Ulica Miroslava Krleže no. 5/III, in Dobrinja I.
3. On 12 May 1998, the applicant requested the Ministry for Urban Planning, Housing and Communal Affairs of Canton Sarajevo and the Administration for Labour, Health, Social and Refugee Affairs of Novi Grad Sarajevo to return possession of her pre-war apartment to her.
4. On 3 June 1999, the applicant requested the Ministry for Refugee Affairs of the Republika Srpska to return possession of her pre-war apartment to her.
5. On 28 October 1999, the Commission for Real Property Claims of Displaced Persons and Refugees ("CRPC") issued a decision confirming the applicant's occupancy right over her pre-war apartment.
6. On 12 March 2001, the applicant informed the Chamber that she had been reinstated into possession of her pre-war apartment on 20 February 2001 and that she did not want to maintain her application.

II. OPINION OF THE CHAMBER

7. 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; or (c) for any other reason established by the Chamber, it is no longer justified to continue the examination of the application; provided that such a result is consistent with the objective of respect for human rights."
8. The Chamber notes that the applicant lodged her application with a view to regaining possession of her apartment, and while the case was still pending before the Chamber, she regained such possession.
9. It would be open to the Chamber to consider the admissibility and merits of a case, when, as in the present case, the question arises whether the time-limits and other procedural requirements prescribed by domestic law have been complied with by the authorities. If it found a violation, then the Chamber would address the question of whether any remedies should be ordered, including compensation.
10. However, as the Chamber explained in the case of *S.P.* (case no. CH/99/2336, decision to strike out of 2 July 2001, Decisions July—December 2001), the Chamber is not unmindful of the difficulties faced by the domestic authorities in implementing the property legislation in force in a timely manner. Consequently, where it is established that the domestic authorities, albeit belatedly, have taken effective action and where the applicant has in fact been reinstated, although not within the time-limit established by law, the Chamber may be persuaded to strike out an application, unless there are particular reasons, apart from the delays in the reinstatement, that require continued consideration.
11. Turning to the facts of the present case, the Chamber notes that the applicant was reinstated into possession of her apartment on 20 February 2001. That being so, the Chamber considers that the main issue raised in the application has been resolved. The Chamber further notes that the applicant considers the matter resolved. Apart from the delays that occurred in securing her reinstatement, 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 after the main issue raised in the application has been resolved, and the Chamber considers that no such special circumstances are present in this application. The Chamber, therefore, decides to strike out the application, pursuant to Article VIII(3) of the Agreement.

III. CONCLUSION

12. For these reasons, the Chamber, unanimously,

STRIKES OUT THE APPLICATION.

(signed)
Ulrich GARMS
Registrar

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