



DECISION TO STRIKE OUT

Case no. CH/98/193

Nedeljka MITRINOVIĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 7 November 2002 with the following members present:

Ms. Michèle PICARD, President
Mr. Rona AYBAY, Vice-President
Mr. Dietrich RAUSCHNING
Mr. Hasan BALIĆ
Mr. Želimir JUKA
Mr. Miodrag PAJIĆ
Mr. Andrew GROTRIAN

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)(b) of the Agreement and Rules 49(2) and 52 of the Chamber's Rules of Procedure:

I. INTRODUCTION

1. The application was introduced on 5 June 1996 with the Ombudsperson for Bosnia and Herzegovina. On 17 February 1998 the Ombudsperson for Bosnia and Herzegovina referred the case to the Chamber.
2. The case concerns the applicant's attempts to regain possession of her pre-war apartment, located in Sarajevo, at Husrefa Redžića Street no. 18.
3. The case was transmitted to the respondent Party for its observations on 1 June 1998. The respondent Party made submissions on 30 June 1998 and 4 June 1999. The applicant made submissions on 30 November 1998 and 10 February 1999.
4. On 5 September 2002 the respondent Party submitted additional observations to the Chamber informing it that the applicant had regained possession of her apartment on 23 December 1999.
5. On 10 September 2002, the Chamber sent a letter to the applicant by registered mail asking her to confirm that she had been reinstated into possession of her apartment, but the applicant did not respond to this letter. This letter specifically warned the applicant that if she did not respond to it, the Chamber might decide to strike out her application. According to the delivery receipt, the applicant received this letter on 12 September 2002. However, the Chamber has not received any answer from the applicant, and the deadline set for her answer has expired.

II. OPINION OF THE CHAMBER

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 a result is consistent with the objective of respect for human rights."
7. Considering that the applicant has regained possession of her pre-war apartment and that she has failed to reply to the Chamber's letter, 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. The Chamber therefore decides to strike out the application.

III. CONCLUSION

8. For these reasons, the Chamber, unanimously,

STRIKES OUT THE APPLICATION.

(signed)
Ulrich Garms
Registrar of the Chamber

(signed)
Michèle PICARD
President of the First Panel