



DECISION TO STRIKE OUT

Case no. CH/02/10638

Mara MORETI

against

THE REPUBLIKA SRPSKA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 8 November 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)(b) of the Agreement and Rules 49(2) and 52 of the Chamber's Rules of Procedure:

I. INTRODUCTION

1. The case concerns the applicant's attempts to regain possession of her pre-war apartment, located at Novice Cerovića Street 13 in Banja Luka, the Republika Srpska.
2. On 18 December 2001, the Ministry for Refugees and Displaced Persons, Department Banja Luka, issued a procedural decision recognising the applicant as the occupancy right holder of the above-mentioned apartment and terminating the right of the temporary occupant to use it.
3. On 30 September 2002, the applicant entered into possession of her pre-war apartment.

ii. PROCEEDINGS BEFORE THE CHAMBER

4. The application was introduced on 2 August 2002 and registered on the same day.
5. On 1 November 2002 the applicant provided information to the Chamber that she had regained possession of her apartment on 30 September 2002.

III. 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 apartment on 30 September 2002, 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.

IV. CONCLUSION

8. For these reasons, the Chamber, unanimously

STRIKES OUT THE APPLICATION.

(signed)
Ulrich GARMS
Registrar of the Chamber

(signed)
Mr. Giovanni GRASSO
President of the Second Panel