



DECISION TO STRIKE OUT

Case no. CH/98/1048

Slavka DRAGIČEVIĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 6 December 2002 with the following members present:

Mr. Viktor MASENKO-MAVI, Acting 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. FACTS

1. The application was introduced on 5 November 1998.
2. The applicant complained of her inability to repossess her pre-war apartment, located at Andreja Andrejevića no. 70/II, Sarajevo.
3. On 23 May 2002 the Chamber sent a letter by registered mail to the applicant's contact address, asking if she had been reinstated into possession of her apartment. This letter specifically warned the applicant that if she did not respond to it, the Chamber might decide to strike out her application. The Chamber received a signed delivery receipt. However, the applicant never responded to the Chamber's letter.
4. The Registry of the Chamber placed a telephone call to the applicant's contact address, and a contact person responded that the applicant had been reinstated into the apartment in question, but she does not live there anymore. She said that the applicant now lives with her sister in another town, because of her sister's illness.

II. OPINION OF THE CHAMBER

5. 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 objective of respect for human rights".
6. Considering the statement of the contact person, the Chamber finds that it appears that the applicant has been reinstated into possession of her pre-war apartment. It also considers that although the Chamber's letter was received, asking the applicant to confirm her repossession, she has not responded. The Chamber therefore 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

7. 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