



DECISION TO STRIKE OUT

Case no. CH/98/918

Milka VALKA

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 10 January 2003 with the following members present:

Mr. Mato TADIĆ, President
Mr. Jakob MÖLLER
Mr. Mehmed DEKOVIĆ
Mr. Manfred NOWAK
Mr. Vitomir POPOVIĆ
Mr. Viktor MASENKO-MAVI

Mr. Ulrich GARMS, Registrar
Ms. Olga KAPIĆ, Deputy Registrar
Ms. Antonia DE MEO, 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 1 September 1998.
2. The applicant complained of her inability to repossess her pre-war apartment, located at Mehmeda Handžlića no. 18/pr. in Sarajevo.
3. On 9 August 2000 the application was transmitted to the Federation of Bosnia and Herzegovina ("the Federation"). On 9 October 2000 the Federation submitted its written observations. On 23 April 2001 the Federation submitted additional observations stating that the applicant had repossessed her apartment on 3 November 2000.
4. On 12 July 2002 the Chamber sent a letter by registered mail to the applicant, asking her to confirm her reinstatement into possession of her pre-war 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 the delivery receipt, which was signed by the applicant. However, the applicant never responded to the Chamber's letter.

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. The Chamber notes that it appears that the applicant has been reinstated into possession of her pre-war apartment. It also considers that although the applicant received the Chamber's letter asking her 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)
Mato TADIĆ
President of the Second Panel