



DECISION TO STRIKE OUT

Case no. CH/98/1364

Dragana HODŽIĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 4 February 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)(a) of the Agreement and Rules 49(2) and 52 of the Chamber's Rules of Procedure:

I. INTRODUCTION

1. This case concerns the applicant's attempts to regain possession of a pre-war apartment, located in Maršala Tita Street, Srebrenik. The occupancy right holder over this apartment is the applicant's father.
2. From 1993 through 1998, the applicant initiated various administrative and court proceedings in order to repossess the apartment in question.
3. On an unknown date, the applicant's father entered into possession of his pre-war apartment.

II. PROCEEDINGS BEFORE THE CHAMBER

4. The application was introduced on 16 December 1998. The applicant is represented by Emina Jahić, a lawyer.
5. On 12 May 2000, the applicant informed the Chamber that her father had entered into possession of his pre-war apartment; therefore, the applicant withdraws the application.

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 (a) the applicant does not intend to pursue his application; ... provided that such result is consistent with the objective of respect for human rights."
7. The Chamber notes that the applicant has informed it that she would like to withdraw the application because her father has entered into possession of the pre-war apartment at issue in the application. 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, pursuant to Article VIII(3)(a) of the Agreement.

IV. CONCLUSION

8. 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