



DECISION TO STRIKE OUT

Case no. CH/98/219

Nada DUBROJA

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 6 March 2003 with the following members present:

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

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. INTRODUCTION

1. The application was introduced on 30 July 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 Zuke Džumhura Street no. 12/1.
3. The case was transmitted to the respondent Party for its observations on 1 June 1998. The respondent Party submitted its written observations on 29 June 1998.
4. On 27 March 2002, the respondent Party submitted observations in which it informed the Chamber that the applicant had regained possession of her apartment on 24 October 2001.
- 5- The Chamber requested the applicant to confirm the information about her reinstatement in its letters of 4 and 19 April 2002, sent via registered mail to the applicant's contact address and to the applicant's pre-war apartment address. Both letters were returned to the Chamber with the registered mail receipts on which the Post Office officials had noted that the applicant is "unknown" at these addresses.

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. Rule 46(6) of the Chamber's Rules of Procedure states that "applicants shall keep the Chamber informed of any change of their address and of all circumstances relevant to the application".
8. Considering that the respondent Party has informed the Chamber that the applicant has regained possession of her pre-war apartment and that she has failed to inform the Chamber about her current address, 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

9. 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