



DECISION TO STRIKE OUT

Cases no. CH/98/220 and CH/98/983

Smiljka MIHAJLOVIĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 1 April 2003 with the following members present:

Mr. Mato TADIĆ, President
Mr. Jakob MÖLLER
Mr. Mehmed DEKOVIĆ
Mr. Giovanni GRASSO
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. INTRODUCTION

1. The application no. CH/98/220 was introduced on 25 July 1996 with the Ombudsperson for Bosnia and Herzegovina. On 24 February 1998 the Ombudsperson for Bosnia and Herzegovina referred the case to the Chamber. Also, on 25 September 1998 a separate application concerning the same subject matter was introduced by the applicant in person to the Chamber (case no. CH/98/983).
2. Both applications concern the applicant's complaint about her inability to repossess her pre-war apartment, located at Braće Begić no. 48/3, in Sarajevo.
3. On 1 June 1998 the first application was transmitted to the Federation of Bosnia and Herzegovina ("the Federation"). On 29 June 1998 and 4 June 1999 the Federation submitted its written observations.
4. On 20 August 2001 the Federation informed the Chamber that the applicant had succeeded to repossess her apartment on 3 December 1999.
5. On 15 May 2002 and 6 February 2003 the Chamber sent letters by registered mail to the applicant, asking her to confirm her reinstatement. These letters 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 signed delivery receipt from the letter of 15 May 2002 indicating that the applicant received the letter. However, the applicant never responded. As to the second letter, the applicant failed to pick up the letter at the post office, although she was invited to do so.

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. The Chamber notes that it appears that the applicant has been reinstated into possession of her apartment. It also considers that although the applicant received the Chamber's first letter, 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 applications to be continued. The Chamber therefore decides to strike out the applications.

III. CONCLUSION

8. For these reasons, the Chamber, unanimously,

STRIKES OUT THE APPLICATIONS.

(signed)
Ulrich GARMS
Registrar

(signed)
Mato TADIĆ
President of the Second Panel