



## **DECISION TO STRIKE OUT**

**Case no. CH/98/209**

**Radmila BOŠKOVIĆ**

**against**

**THE FEDERATION OF BOSNIA AND HERZEGOVINA**

The Human Rights Chamber for Bosnia and Herzegovina, sitting in plenary session on 3 April 2003 with the following members present:

Ms. Michèle PICARD, President  
Mr. Mato TADIĆ, Vice-President  
Mr. Dietrich RAUSCHNING  
Mr. Hasan BALIĆ  
Mr. Rona AYBAY  
Mr. Želimir JUKA  
Mr. Jakob MÖLLER  
Mr. Mehmed DEKOVIĆ  
Mr. Giovanni GRASSO  
Mr. Miodrag PAJIĆ  
Mr. Manfred NOWAK  
Mr. Vitomir POPOVIĆ  
Mr. Viktor MASENKO-MAVI  
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 Article VIII(3)(a) of the Agreement and Rules 49(2) and 52 of the Chamber's Rules of Procedure:

## **I. INTRODUCTION**

1. The application was introduced on 6 December 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 attempt to regain possession of her apartment located at Gorica No. 12 in Sarajevo.
3. On 1 June 1998 the Chamber transmitted the application to the Federation of Bosnia and Herzegovina ("the Federation"). On 26 June 1998 the Chamber received the respondent Party's observations on admissibility and merits.
4. On 6 March 2003 the respondent Party informed the Chamber that the applicant was reinstated into possession of her apartment on 19 April 2000.
5. On 24 February 2003 the applicant confirmed her reinstatement into her pre-war apartment and informed the Chamber that she does not intend to pursue her application.

## **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 (a) the applicant does not intend to pursue his application; ... provided that such a result is consistent with the objective of respect for human rights."
7. The Chamber notes that the applicant lodged her application with a view to regaining possession of her pre-war apartment, and while her case was still pending before the Chamber, she regained such possession. The Chamber further notes that the applicant stated in her correspondence that, as a result of her repossession, she does not intend to pursue her application. Considering this statement, the Chamber finds that the applicant does not intend to pursue her 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.

## **III. CONCLUSION**

8. For these reasons, the Chamber, unanimously,

**STRIKES OUT THE APPLICATION.**

(signed)  
Ulrich GARMS  
Registrar of the Chamber

(signed)  
Michèle PICARD  
President of the Chamber