



DECISION TO STRIKE OUT

Case no. CH/00/3556

Smiljka ŽIVKOVIĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 7 September 2002 with the following members present:

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

Mr. Ulrich GARMS, Registrar
Ms. Olga KAPIĆ, 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 24 January 2000.
2. The applicant requested reinstatement into her pre-war apartment in Sarajevo, ulica Hasana Kikića 1/11. On 17 December 1998 the Commission for Real Property Claims of Refugees and Displaced Persons (the "CRPC") issued a decision confirming the applicant's occupancy rights. On 1 November 1999 the applicant filed a request to implement the CRPC decision.
3. On 14 March 2001 the Chamber sent the applicant a letter inquiring if the applicant was still interested in pursuing her claim. On 10 December 2001 the applicant informed the Chamber that she had been reinstated into her apartment on 2 October 2000; therefore, the applicant wished to withdraw the application and make no claims for compensation.

II. OPINION OF THE CHAMBER

4. 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."
5. Considering the applicant's statement that she has been reinstated into her apartment and therefore would like to withdraw her application, 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

6. For these reasons, the Chamber, unanimously,

STRIKES OUT THE APPLICATION.

(signed)
Ulrich GARMS
Registrar of the Chamber

(signed)
Giovanni GRASSO
President of the Second Panel