



DECISION TO STRIKE OUT

Case no. CH/00/3658

Zidajeta SULJIĆ

against

THE REPUBLIKA SRPSKA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 13 October 2000 with the following members present:

Mr. Giovanni GRASSO, President
Mr. Viktor MASENKO-MAVI, Vice-President
Mr. Jakob MÖLLER
Mr. Mehmed DEKOVIĆ
Mr. Vitomir POPOVIĆ
Mr. Mato TADIĆ

Mr. Peter KEMPEES, 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) of the Agreement as well as Rule 52 of the Chamber's Rules of Procedure:

I. FACTS

1. The applicant, a citizen of Bosnia and Herzegovina of Bosniak descent, is the holder of the occupancy right over an apartment located at Meše Selimovića 9 in Banja Luka. She left Banja Luka during the war. On 2 February 1999 she applied to regain possession of the apartment. On 29 October 1999 the Commission for the Accommodation of Refugees and Displaced Persons in Banja Luka, a department of the Ministry for Refugees and Displaced Persons, issued a decision confirming her as the holder of the occupancy right over the apartment and ordering the current occupant to vacate it within 90 days. The current occupant and the holder of the allocation right over the apartment appealed to the Ministry for Refugees and Displaced Persons, which was refused on 7 February 2000.

2. On 7 April 2000 the applicant regained possession of the apartment as the decision of the Commission was executed.

II. COMPLAINTS

3. The applicant complained in a general manner of her inability to regain possession of her apartment.

III. PROCEEDINGS BEFORE THE CHAMBER

4. The application was introduced on 24 February 2000 and registered on the same day.

5. On 7 April 2000 the applicant informed the Chamber that she had regained possession of the apartment. On 24 April 2000, in response to a request from the Chamber, she confirmed that she considered the matter resolved and therefore did not wish to proceed with her application.

IV. OPINION OF THE CHAMBER

6. According to Article VIII(3) of the Agreement, the Chamber may at any point decide to strike out an application on the ground that (a) the applicant does not intend to pursue his application; (b) the matter has been resolved; or (c) for any other reason established by the Chamber, it is no longer justified to continue the examination of the case. In all these situations, however, a decision to strike out an application must be consistent with the objective of respect for human rights.

7. The Chamber notes that the applicant has regained possession of her apartment and has stated that she does not wish to proceed with her application before the Chamber. In these circumstances it is no longer justified to continue the examination of the case. Moreover, such an outcome would not be inconsistent with the objective of respect for human rights.

V. CONCLUSION

8. For these reasons, the Chamber, unanimously

STRIKES OUT THE APPLICATION.

(signed)
Peter KEMPEES
Registrar of the Chamber

(signed)
Giovanni GRASSO
President of the Second Panel