



DECISION TO STRIKE OUT

Case no. CH/00/4072

Dragica KORAĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 5 July 2002 with the following members present:

Mr. Giovanni GRASSO, President
Mr. Viktor MASENKO-MAVI, Vice-President
Mr. Jakob MÖLLER
Mr. Mehmed DEKOVIĆ
Mr. Manfred NOWAK
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 11 February 2000.
2. The applicant complained of her inability to repossess her pre-war apartment, located at Ulica Marcela Šnajdera no. 6, in Sarajevo.
3. On 11 June 1998 the applicant requested to the Administration for Housing Affairs of the Municipality Sarajevo Centar to return her into possession of the apartment. The Municipality issued a positive decision on this request on 21 June 2000.
4. On 17 December 1998 the Commission for Real Property Claims of Displaced Persons and Refugees ("CRPC") issued a decision confirming the applicant's occupancy right.
5. On 9 November 1999 the applicant submitted a request to the administration for the implementation of the CRPC decision.
6. On 25 September 2000 the applicant submitted a request for the implementation of Sarajevo Centar Municipality decision.

II. PROCEEDINGS BEFORE THE CHAMBER

7. On 3 March 2001 the Chamber sent a letter to the applicant, requesting her to present her claims for compensation. The Chamber has not received any answer from the applicant regarding her compensation claims.
8. On 22 June 2001 the application was transmitted to the Federation of Bosnia and Herzegovina ("the Federation"). On 23 July 2001 the Federation submitted its observations on admissibility and merits of the application.
9. On 3 December 2001, the Federation informed the Chamber that the applicant had been reinstated into her apartment on 27 November 2001.
10. On 27 February 2002 the Chamber sent a letter to the applicant, asking her to confirm that she has been reinstated into possession of her property.
11. On 20 March 2002 the applicant confirmed to the Chamber that she had been reinstated into her apartment.

III. OPINION OF THE CHAMBER

12. 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."
13. Considering that the applicant has been reinstated into possession of her apartment, and that she has not indicated any wish to pursue 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.

IV. CONCLUSION

14. For these reasons, the Chamber, unanimously,

STRIKES OUT THE APPLICATION.

(signed)
Ulrich GARMS
Registrar

(signed)
Giovanni GRASSO
President of the Second Panel