



DECISION TO STRIKE OUT

Case no. CH/00/5765

Milenka PETROVIĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 10 January 2003 with the following members present:

Ms. Michèle PICARD, President
Mr. Miodrag PAJIĆ, Vice-President
Mr. Dietrich RAUSCHNING
Mr. Hasan BALIĆ
Mr. Želimir JUKA
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 to Article VIII(3)(a) of the Agreement and Rules 49(2) and 52 of the Chamber's Rules of Procedure:

I. INTRODUCTION

1. The applicant complained of her inability to return to her pre-war apartment located at Ulica Grbavička no. 20 in Sarajevo. The occupancy right holder over the apartment in question was applicant's late husband, who died on 12 January 1999.

II. PROCEEDINGS BEFORE THE CHAMBER

2. The application was introduced to the Chamber on 19 September 2000.

3. The application was transmitted to the Federation of Bosnia and Herzegovina for its observations on 8 May 2001. On 21 June 2001, the Chamber received the observations from the respondent Party.

4. On 2 November 2001, the Chamber received additional observations from the respondent Party stating that the applicant had been reinstated into possession of the apartment in question on 12 March 2001.

5. On 14 November 2001, the Chamber transmitted the additional observations to the applicant and asked her to confirm that she had been reinstated into possession of her apartment. The applicant did not respond to this letter, so the Chamber sent the letter once again to the applicant on 14 October 2002. On 15 November 2002, the applicant informed the Chamber that she had been reinstated into possession of her apartment and that in the meantime, she purchased the apartment and registered herself as the owner; therefore, she did not wish to pursue the proceedings before the Chamber.

III. 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 result is consistent with the objective of respect for human rights."

7. The Chamber notes that the applicant has informed it that she 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.

IV. 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 First Panel