



DECISION TO STRIKE OUT

CASE No. CH/00/6394

Nadežda SPAHIĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 6 June 2001 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. 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 and Rule 52 of the Chamber's Rules of Procedure:

I. INTRODUCTION

1. The application was introduced on 23 November 2000. The applicant complains that the Administration for Housing Affairs of Sarajevo Canton ("Administration") failed in deciding upon her requests of 11 February and 17 November 2000 to carry out its procedural decision of 11 November 1999, allowing her repossession of her pre-war apartment located at ul. Topal Osman Paše (previously Milutina Đuraškovića) no. 14 in Sarajevo.

2. On 4 May 2001 the Chamber received a letter from the applicant stating that she had asserted her right. She therefore intended to withdraw her application before the Chamber. In addition she submitted an official record of the Administration stating that she has been reinstated into her apartment on 26 April 2001.

II. OPINION OF THE CHAMBER

3. 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."

4. The Chamber finds that the applicant does not wish 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. It follows that the application may be struck out of the list.

III. CONCLUSION

5. 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