



DECISION TO STRIKE OUT

Case no. CH/01/6658

Nađa KADRIĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 8 February 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. 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)(a) of the Agreement and Rule 52 of the Chamber's Rules of Procedure:

I. INTRODUCTION

1. The application was introduced on 22 December 2000. It concerns an occupancy right dispute over an apartment located at ul. Sjenjak "G"/IV apt. no. 28, in Tuzla, the Federation of Bosnia and Herzegovina, between the applicant and her former husband. Upon the applicant's request to the Municipal Court in Tuzla ("the Court"), that the Court establish who is the occupancy right holder over the apartment, on 9 December 1999 the Court issued a procedural decision establishing the ex-husband as occupancy right holder. The validity of the procedural decision of 9 December 1999 was confirmed on 22 November 2000 by the Tuzla Cantonal Court.

2. The applicant complained that her rights protected by Article 8 of the Convention and Article 1 of Protocol No. 1 to the Convention were violated by the court decisions. However, on 27 June 2001 the Chamber received a letter from the applicant's lawyer, Mrs. Amila Kunosić - Ferizović, stating that a court settlement in the matter had been reached before the Tuzla Municipal Court. The applicant therefore no longer wishes to pursue the application before the Chamber.

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 her application; ... provided that such a result is consistent with the objective of respect for human rights."

4. The Chamber notes that the applicant has informed it that she no longer intends 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.

III. CONCLUSION

5. 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