



DECISION TO STRIKE OUT

CASE No. CH/01/6687

Zdenka NEŠKOVIĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 8 September 2001 with the following members present:

Ms. Michèle PICARD, President
Mr. Dietrich RAUSCHNING, Vice President
Mr. Hasan BALIĆ
Mr. Želimir JUKA
Mr. Miodrag PAJIĆ
Mr. Andrew GROTRIAN

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) of the Agreement and Rules 49(2) and 52 of the Chamber's Rules of Procedure:

I INTRODUCTION

1. The application was introduced to the Chamber on 4 January 2001.
2. The applicant is a member of the family household of her late mother who was the pre-war holder of the occupancy right over an apartment at Ulica Džemala Bijedića 33 (formerly Ulica Džemala Bijedića 27a) in Sarajevo. The applicant complained of her inability to return into the said apartment.
3. The application was transmitted to the respondent Party on 7 May 2001. On 21 June 2001 the respondent Party submitted its observations, stating that the eviction of the temporary occupant was scheduled for 2 July 2001.
4. However, on 20 June 2001 the applicant informed the Chamber that she had been reinstated into her apartment on 15 June 2001.

II. OPINION OF THE CHAMBER

5. 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 result is consistent with the objective of respect for human rights.”
6. The Chamber finds that the matter 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 finds it appropriate to strike the application out.

III. CONCLUSION

7. For these reasons, the Chamber, unanimously,

STRIKES THE APPLICATION OUT.

(signed)
Ulrich GARMS
Registrar of the Chamber

(signed)
Michèle PICARD
President of the First Panel