



DECISION TO STRIKE OUT

Case no. CH/01/6961

Ljerka POSAVEC-TUŠEK

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 11 October 2002 with the following members present:

Ms. Michèle PICARD, President
Mr. Dietrich RAUSCHNING
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 Article VIII(3)(a) of the Agreement and Rules 49(2) and 52 of the Chamber’s Rules of Procedure:

I. INTRODUCTION

1. The case concerns the applicant's attempts to regain possession of her pre-war apartment, located at Danijela Ozme 3 in Sarajevo. On 29 May 1992 her apartment, along with other apartments in the same building, suffered fire damage.
2. On 16 June 1996 the Municipality Centar, Sarajevo allocated the land on which the building was located to Market Banka DD Sarajevo. Subsequently, the applicant commenced a court procedure before the Municipal Court I Sarajevo against the Municipality Centar, Sarajevo.
3. On 15 June 1998 the applicant filed a request to repossess her pre-war apartment to before the Administration for Housing Affairs of Canton Sarajevo (the "Administration").
4. On 13 June 2000 the Commission for Real Property Claims of Displaced Persons and Refugees ("CRPC") issued a decision confirming the applicant's occupancy right to the apartment in question.
5. On 18 September 2000 the applicant filed a request for execution of the CRPC decision to the Administration.

II. PROCEEDINGS BEFORE THE CHAMBER

6. The application was introduced on 7 March 2001.
7. On 18 January 2002 the applicant informed the Chamber that her case concerning her occupancy right over the apartment in question had been resolved via a court settlement achieved in the proceedings before the Municipal Court I Sarajevo; therefore she did not wish to pursue her proceedings before the Chamber.

III. OPINION OF THE CHAMBER

8. 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 result is consistent with the objective of respect for human rights."
9. 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

10. 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