



DECISION TO STRIKE OUT

Case no. CH/01/7901

Nada ĆORSOVIĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 6 March 2003 with the following members present:

Ms. Michèle PICARD, President
Mr. Miodrag PAJIĆ, Vice-President
Mr. Dietrich RAUSCHNING
Mr. Hasan BALIĆ
Mr. Rona AYBAY
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 Rule 49(2) of the Chamber's Rules of Procedure:

I. INTRODUCTION

1. This case concerns the applicant's attempts to regain possession of her pre-war apartment, located at ulica Put Famosa 17 in Ilidža.
2. On 29 March 1999, the applicant initiated proceedings before the Administration of Housing Affairs (the "Administration"). The applicant finally regained possession of her apartment on 19 September 2002.

II PROCEEDINGS BEFORE THE CHAMBER

3. The application was introduced on 17 September 2001 and registered the same day.
4. The applicant complains that she was unable to regain possession of her apartment in the Municipality of Ilidža. She alleges a violation of her rights protected by Article 8 of the European Convention on Human Rights (the "Convention") and Article 1 of Protocol No. 1 to the Convention.
5. On 6 February 2003, the applicant informed the Chamber that she had regained possession of her apartment but that she found the apartment devastated. She also informed the Chamber that she had initiated proceedings before the domestic organs in order to conclude a contract on purchase of the apartment. She asked the Chamber to intervene in these proceedings before the domestic organs and to order the respondent Party to conclude the contract as soon as possible. In the same letter she stated that if the Chamber could not intervene before the domestic court, then she does not want to pursue her application 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 a result is consistent with the objective of respect for human rights."
7. The Chamber notes that in her letter of 6 February 2003, the applicant requested the Chamber to intervene on her behalf in proceedings pending before the domestic court. She further states that in case such intervention is not possible, then she wants to withdraw her application before the Chamber. The Chamber notes that it generally does not intervene before domestic courts or other domestic authorities in order to speed up pending proceedings, absent a finding of a violation of Article 6 of the Convention, which is not the situation in the present case. Therefore, under these circumstances, the Chamber interprets the applicant's letter as a request to withdraw her application before the Chamber. The Chamber further notes that the applicant has been reinstated into possession of her apartment, which was the main complaint in her application. Therefore, 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 pursuant to Article VIII(3)(a) of the Agreement.

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