



DECISION TO STRIKE OUT

Case no. CH/01/7903

Stoja KURILIĆ

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)(b) of the Agreement and Rules 49(2) and 52 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 Džemala Bijedića 46 in Sarajevo.

2. On 29 June 1998, the applicant initiated proceedings before the Administration of Housing Affairs (the "Administration"). The applicant finally regained possession of her apartment on 17 July 2002.

II. PROCEEDINGS BEFORE THE CHAMBER

3. The application was introduced on 17 September 2001. The applicant complains that she was unable to regain possession of her apartment in the Municipality of Novo Sarajevo. She alleges a violation of her rights protected by Articles 6, 8 and 13 of the European Convention on Human Rights ("the Convention") and Article 1 of Protocol No. 1 to the Convention.

4. On 13 February 2003, the applicant informed the Chamber that she had entered into possession of her pre-war apartment on 17 July 2002.

III. 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 a result is consistent with the objective of respect for human rights."

6. Considering that the applicant has repossessed her pre-war apartment, the Chamber finds that the matter raised in the application 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 decides to strike out the application.

IV. CONCLUSION

7. 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