



DECISION TO STRIKE OUT

Case no. CH/02/11045

Durđa PUDAR

against

**BOSNIA AND HERZEGOVINA
and
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 to Article VIII(3)(b) of the Agreement and Rule 52 of the Chamber's Rules of Procedure:

I. FACTS AND COMPLAINTS

1. The application was introduced on 21 May 2002 and registered on the same date. It concerns the applicant's attempts to obtain enforcement of a procedural decision of 6 July 2001, by which the applicant had regained possession of her pre-war apartment located at ul. Kralja Tomislava no. 61 in Mostar, the Federation of Bosnia and Herzegovina.

2. On 10 October 2001 the applicant requested enforcement of the procedural decision of 6 July 2001 from the Service for Construction, Property and Legal Affairs, Housing Affairs and Environmental Protection of the City Municipality of Mostar- West, in Mostar (the "Municipality") (Služba graditeljstva, imovinsko pravnih i stambenih poslova i zaštite okoliša Gradske Općine Mostar-Zapad u Mostaru) (Općina). As she received no answer, on 24 January 2002 the applicant requested the Ministry of Justice of the Federation of Bosnia and Herzegovina - the Federal Administrative inspector to intervene. On 18 April 2002 the applicant, once again, requested enforcement of the procedural decision of 6 July 2001. On 9 May 2002 the applicant initiated proceedings before the Cantonal Court in Mostar seeking a decision ordering enforcement of the procedural decision of 6 July 2001 within 15 days. On 10 July 2002 the Municipality corrected its procedural decision of 6 July 2001. On 8 August 2002 the applicant requested enforcement of the corrected procedural decision of 6 July 2001.

3. On 23 September 2002 the applicant submitted to the Chamber a letter and record of the Municipality informing it that she had been reinstated into possession of her apartment on 26 August 2002. According to the record, the apartment is in good condition and the applicant accepted it without remarks.

4. The applicant alleges that her rights as guaranteed under Articles 6, 8, 14 of the European Convention on Human Rights (the "Convention") and Article 1 of Protocol No. 1 to the Convention have been violated. She further alleges that her rights have been violated due to her national origin.

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

6. Considering that the applicant was reinstated into possession of her apartment on 26 August 2002, 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.

III. 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

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