



DECISION TO STRIKE OUT

CASE No. CH/98/1060

Ranka MAJSTORVIĆ

against

BOSNIA AND HERZEGOVINA

and

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 3 July 2001 with the following members present:

Mr. Giovanni GRASSO, President
Mr. Viktor MASENKO-MAVI, Vice President
Mr. Jakob MÖLLER
Mr. Mehmed DEKOVIĆ
Mr. Manfred NOWAK
Mr. Vitomir POPOVIĆ
Mr. Mato TADIĆ

Mr. Peter KEMPEES, 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 11 November 1998 and registered on the same day.
2. The applicant complains of her inability to return to her pre-war apartment located at Ulica Džemala Bijedića 79/II in Sarajevo.
3. The applicant has directed the application against Bosnia and Herzegovina. The Chamber notes, however, that in the circumstances of this case, the responsible authorities are those of the Federation of Bosnia and Herzegovina. Therefore, the Chamber, on its own motion, considers the application as directed against the Federation of Bosnia and Herzegovina.
4. The application was transmitted to the Federation of Bosnia and Herzegovina as respondent Party on 7 May 2001. On 21 June 2001 the respondent Party submitted its observations, stating that the applicant had regained possession of the apartment in question.
5. On 23 May 2001 the applicant informed the Chamber that she had been reinstated into her apartment and that therefore she did not wish to pursue the proceedings before the Chamber.

II. 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 result is consistent with the objective of respect for human rights."
7. The Chamber finds that the applicant does not wish 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. It follows that the application may be struck out of the list.

III. CONCLUSION

8. For these reasons, the Chamber, unanimously,

STRIKES THE APPLICATION OUT.

(signed)
Peter KEMPEES
Registrar of the Chamber

(signed)
Giovanni GRASSO
President of the Second Panel