



DECISION TO STRIKE OUT

Case no. CH/98/201

Višnja PLETIKOSIĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 5 September 2002 with the following members present:

Ms. Michèle PICARD, President
Mr. Rona AYBAY, Vice-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 Rules 49(2) and 52 of the Chamber's Rules of Procedure:

I. INTRODUCTION

1. The application was registered on 24 February 1998.
2. The applicant complained of her inability to repossess her pre-war apartment, located at Ulica Kralja Tvrtka no. 10, in Sarajevo-Centar.
3. On 8 October 1998 the Commission for Real Property Claims of Displaced Persons and Refugees ("CRPC") issued a decision confirming the applicant's occupancy right.
4. On 01 June 1998 the application was transmitted to the Federation of Bosnia and Herzegovina ("the Federation"). On 29 June 1998 the Federation submitted its observations on the admissibility and merits of the application.
5. On 20 July 2001 the Chamber requested the applicant to confirm whether she had been reinstated into her apartment, as the CRPC has informed the Chamber. No answer was received from the applicant.
6. On 16 May 2002 the Federation informed the Chamber that the applicant had been reinstated into her apartment on 11 May 2000.
7. On 31 May 2002 the Chamber sent a new letter to the applicant, asking her to confirm that she had been reinstated into possession. The Chamber has not received any answer from the applicant, and the deadline set for her answer expired on 15 June 2002.

II. 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 ... (b) the matter has been resolved; ... provided that such a result is consistent with the objective of respect for human rights."
9. Considering that it appears that the applicant has been reinstated into possession of her apartment, and that she has not replied to the letters from the Chamber, 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

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