



DECISION TO STRIKE OUT

Cases no. CH/98/207 and CH/98/982

Mirjana IZGAREVIĆ

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 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 introduced on 30 September 1996 with the Ombudsperson for Bosnia and Herzegovina. On 24 February 1998 the Ombudsperson for Bosnia and Herzegovina referred the case to the Chamber. Also, on 2 September 1998 a separate application concerning the same subject matter was introduced by the applicant in person.
2. Both applications concern the applicant's complaint about her inability to repossess her pre-war apartment, located at Semira Frašte no. 1/6, in Sarajevo. Considering the similar subject matter, the Chamber decided to join both applications.
3. On 14 February 2002 the respondent Party informed the Chamber that the applicant had been reinstated into the apartment in question. The Chamber sent a letter to the applicant asking her to confirm her reinstatement.
4. On 24 May 2002 the applicant confirmed that she had succeeded to enter into possession of the above-mentioned apartment in November 1999 and that the matter pending before the Chamber had been resolved.

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 the applicant's statement, the Chamber finds that the matter raised in the applications has been resolved. Furthermore, the Chamber finds no special circumstances regarding respect for human rights which require the examination of the applications to be continued. The Chamber therefore decides to strike out the applications.

III. CONCLUSION

7. For these reasons, the Chamber, unanimously,

STRIKES OUT THE APPLICATIONS.

(signed)
Ulrich GARMS
Registrar

(signed)
Michele PICARD
President of the First Panel