



DECISION TO STRIKE OUT

Case no. CH/98/212

Danica VUJOVIĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 5 July 2002 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. Mato TADIĆ

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 5 September 1996 with the Ombudsperson for Bosnia and Herzegovina. On 17 February 1998 the Ombudsperson for Bosnia and Herzegovina referred the case to the Chamber.
2. The case concerns the applicant's attempts to regain possession of her pre-war apartment, located in Sarajevo, Žrtava fašizma Street no. 1/III.
3. The case was transmitted to the respondent Party for its observations on 1 June 1998. The respondent Party made submissions on 29 June 1998 and 30 June 1999. The applicant made submissions on 4 June 1999.
4. On 23 May 2002 the Chamber sent letters to both parties asking for information about the developments in the case. The applicant's representative received this letter on 25 May 2002. By this letter the applicant was asked to send requested information no later than three weeks from the date of this letter. The applicant was notified that in the absence of a reply the Chamber may decide to strike out her application. The applicant did not reply.
5. On 10 June 2002 the respondent Party submitted observations informing the Chamber that the applicant had regained possession of her apartment on 1 April 2002. The Chamber asked for confirmation of this information from the applicant by its letter of 17 June 2002. The applicant received this letter on 20 June 2002. She was asked to send requested information no later than fifteen days from the date of the Chamber's letter. The applicant did not reply.

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... (b) the matter has been resolved; ... provided that such a result is consistent with the objective of respect for human rights."
7. Considering that the applicant has regained possession of her pre-war apartment and that she has failed to reply to the Chamber's letters, 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

8. For these reasons, the Chamber, by 4 votes to 2,

STRIKES THE APPLICATION OUT.

(signed)
Ulrich Garms
Registrar of the Chamber

(signed)
Giovanni GRASSO
President of the Second Panel