



DECISION TO STRIKE OUT

Case no. CH/98/228

Tatjana OSTOJIĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 3 July 2002 with the following members present:

Mr. Giovanni GRASSO, President
Mr. Viktor MASENKO-MAVI, Vice-President
Mr. Mehmed DEKOVIĆ
Mr. Vitomir POPOVIĆ
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 11 November 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, Trg heroja no. 12.
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 16 November 2001.
4. In the latter submission the respondent Party informed the Chamber that the applicant regained possession of her apartment on 19 August 1998. The Chamber wrote to the applicant by registered post on 4 January 2002, enclosing the respondent Party's latter submission, and asking her to confirm her reinstatement. The applicant personally received this letter on 8 January 2002, but she has not replied to this submission, nor has she made any other submissions.

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 regained possession of her pre-war apartment, 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 THE APPLICATION OUT.

(signed)
Ulrich Garms
Registrar of the Chamber

(signed)
Giovanni GRASSO
President of the Second Panel