



DECISION TO STRIKE OUT

Case no. CH/98/544

Nevenka ŠUTIĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 8 June 2000 with the following members present:

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

Mr. Anders Månsson, 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 as well as Rules 49(2) and 52 of the Chamber's Rules of Procedure:

I. FACTS

1. The applicant is a citizen of Bosnia and Herzegovina. On 28 February 1992 her husband concluded a contract for the purchase of a JNA apartment at Zagrebačka 79/V, Sarajevo with the Military Institution for Housing Affairs in Sarajevo. Initially, the Ministry of Defence of the Federation of Bosnia and Herzegovina did not recognise the contract on purchase as legally valid.

II. COMPLAINTS

2. The applicant alleged a violation of her rights guaranteed by Article 1 of Protocol No. 1 to the European Convention of Human Rights.

III. PROCEEDINGS BEFORE THE CHAMBER

3. The application was introduced on 17 April 1998 and registered on 14 May 1998.

4. By a letter of 9 March 2000 the applicant informed the Chamber of her wish to withdraw her application, referring to the fact that the Ministry of Defence had recognised the contract as legally valid.

IV. OPINION OF THE CHAMBER

5. According to Article VIII(3) of the Agreement, the Chamber may at any point decide to strike out an application on the ground that (a) the applicant does not intend to pursue his application; (b) the matter has been resolved; or (c) for any other reason established by the Chamber, it is no longer justified to continue the examination of the case. In all these situations, however, a decision to strike out an application must be consistent with the objective of respect for human rights.

6. The Chamber notes that the Ministry of Defence has recognised the contract as legally valid and that the applicant wishes to withdraw the application. In these circumstances, and considering that the underlying matter has been resolved, the Chamber finds that it is no longer justified to continue the examination of the present case. Moreover, such an outcome would not be inconsistent with the objective of respect for human rights.

V. CONCLUSION

7. For these reasons, the Chamber, unanimously,

STRIKES OUT THE APPLICATION.

(signed)
Anders Månsson
Registrar of the Chamber

(signed)
Viktor MASENKO-MAVI
Acting President of the Second Panel