



DECISION TO STRIKE OUT

Case no. CH/98/887

Spomenka STANIŠIĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 7 February 2003 with the following members present:

Ms. Michèle PICARD, President
Mr. Miodrag PAJIĆ, Vice-President
Mr. Dietrich RAUSCHNING
Mr. Hasan BALIĆ
Mr. Rona AYBAY
Mr. Želimir JUKA
Mr. Andrew GROTRIAN

Mr. Ulrich GARMS, Registrar
Ms. Olga KAPIĆ, Deputy Registrar
Ms. Antonia DE MEO, 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 21 August 1998. The applicant is represented by Mr. Nenad Maglajić, a lawyer practising in Sarajevo.
2. The applicant complained of her inability to repossess her pre-war apartment, located at Kemala Kapetanovića Str. no. 26, in Sarajevo.
3. On 20 June 2000, the application was transmitted to the respondent Party for its observations on the admissibility and merits. On 18 August 2000, the respondent Party submitted its written observations. On 16 January 2001, the respondent Party informed the Chamber that the applicant had entered into possession of her pre-war apartment.
4. On 4 April 2002, the Chamber sent a letter by registered mail to the applicant's representative, asking him to confirm the applicant's reinstatement into possession of her pre-war apartment. This letter specifically warned the applicant that if she did not respond, the Chamber might decide to strike out the application. According to the delivery receipt, the applicant's representative received this letter on 9 April 2002. However, the Chamber has not received any answer from the applicant or her representative, and the deadline set for the answer has expired.

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 result is consistent with objective of respect for human rights".
6. The Chamber notes that it appears that the applicant has been reinstated into possession of her pre-war apartment. It also considers that although the applicant's representative received the Chamber's letter asking him to confirm the applicant's repossession, neither he nor the applicant has responded. The Chamber therefore 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 OUT THE APPLICATION.

(signed)
Ulrich GARMS
Registrar of the Chamber

(signed)
Michèle PICARD
President of the First Panel