



DECISION TO STRIKE OUT

Case no. CH/98/924

Smilja DOBRIĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 7 July 2000 with the following members present:

Mr. Viktor MASENKO-MAVI, Vice-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 and Rules 49(2) and 52 of the Chamber's Rules of Procedure:

I. FACTS

1. The applicant lived at Grbavička Str. 2a/6 (former Lenjinova 2a/6) in Sarajevo until 5 August 1992, when she and her family were expelled from the apartment.
2. The applicant states that after the war, she returned to the apartment with the aim of resuming residence there and, upon finding it in a state of devastation, discovered she and her family could not move back in.
3. The applicant alleges that repairs on the apartment, using donated funds, were completed by the end of 1996. On 27 April 1998 the government of the Federation, on behalf of the Federation of Bosnia and Herzegovina, which is the owner of the apartment in question, issued a decision recognising the applicant's occupancy right and permitting her to return to the apartment. On 25 May 1998 the applicant and the Housing Fund of the City of Sarajevo signed a contract to for use of the apartment.
4. The applicant alleges that she has not been able to move back into the apartment, however, due to the presence of the temporary occupant, E.H. The applicant further alleges that E.H. lived in Banja Luka throughout the war and still owns a house in a village called Vrbanja in the Republika Srpska.

II. COMPLAINTS

5. The applicant states that her right to a home, to freedom of expression, to a name, to inheritance, and to justice have been violated. She also appears to claim that her right to a fair hearing has been violated.

III. PROCEEDINGS BEFORE THE CHAMBER

6. The application was introduced to the Chamber on 4 September 1998 and registered on the same day.
7. On 19 May 2000 the Chamber wrote to the applicant to inquire as to whether she'd entered into possession of the apartment. On 25 May 2000 the applicant informed the Chamber that she had done so on 22 July 1999 and that the Chamber could consider the case solved.

IV. OPINION OF THE CHAMBER

8. 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 application. In all these situations, however, a decision to strike out an application must be consistent with the objective of respect for human rights.
9. The Chamber notes that the applicant has achieved an independent resolution of the matter submitted to the Chamber. Having entered into possession of the apartment, she has informed the Chamber that it could consider the case solved.
10. Accordingly, the Chamber finds that the underlying matter of the application has been resolved. In these circumstances it is no longer justified to continue the examination of the application. Moreover, such an outcome would not be inconsistent with the objective of respect for human rights.

V. CONCLUSION

11. For these reasons, the Chamber, unanimously,
STRIKES OUT THE APPLICATION.

(signed)
Anders MÅNSSON
Registrar of the Chamber

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