



DECISION TO STRIKE OUT

Case no. CH/99/1575

Ranka NIKOLIĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 4 November 1999 with the following members present:

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

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(2)(c) of the Agreement and Rule 52 of the Chamber's Rules of Procedure:

I. FACTS

1. The applicant is a former teacher in Sarajevo. In May of 1993 following her retirement she applied for a pension. On 11 February 1994 the Retirement and Disability Insurance Fund – Sarajevo decided that she would receive her pension retroactive as from June 1993.
2. Sometime thereafter the applicant went to Montenegro for medical treatment and had her pension payments transferred there. Upon her return to Sarajevo, however, the above-mentioned fund refused to transfer her pension payments back to Sarajevo. She initiated court proceedings in an effort to regain her pension.
3. On 29 September 1999 the applicant informed the Chamber that she had received a decision from the Supreme Court of the Federation of Bosnia and Herzegovina which reinitiated her pension payments.

II. COMPLAINTS

4. The application raises issues under Article 6 of the European Convention on Human Rights, Article 1 of Protocol No. 1 to the Convention and Article II(2)(b) of the Agreement.

III. PROCEEDINGS BEFORE THE CHAMBER

5. The application was introduced on 15 February 1999 and registered two days later.
6. On 29 September 1999 the applicant asked the Chamber to cease consideration of her application.

IV. OPINION OF THE CHAMBER

7. 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 her 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.
8. In this case the applicant asked that the Chamber cease consideration of her case as she received a decision reinstating her pension payments. Accordingly, the Chamber concludes that the underlying matter has been resolved. In these circumstances it is no longer justified to continue the examination of the case. Moreover, such an outcome would not be inconsistent with the objective of respect for human rights.

V. CONCLUSION

9. For these reasons, the Chamber, unanimously,

STRIKES OUT THE APPLICATION.

(signed)
Anders MÅNSSON
Registrar of the Chamber

(signed)
Michèle PICARD
President of the First Panel