



DECISION TO STRIKE OUT

Case No. CH/99/1675

Verica TUZLIĆ

against

BOSNIA AND HERZEGOVINA

and

The FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 12 October 2001 with the following members present:

Ms. Michèle PICARD, President
Mr. Rona AYBAY
Mr. Želimir JUKA
Mr. Miodrag PAJIĆ
Mr. Andrew GROTRIAN

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) of the Agreement and Rules 49(2) and 52 of the Chamber's Rules of Procedure:

I. INTRODUCTION

1. The application was received on 4 March 1999 and registered on 6 March 1999.
2. The applicant's late mother held an occupancy right over an apartment at Gradačaćka street No. 31, in the Municipality of Novo Sarajevo ("the apartment). During the 1992-95 war, the applicant's mother lost possession of the apartment. On 29 July 1997 the applicant's mother died. The applicant submitted a request for the transfer of the occupancy right from her mother to Tamara Tuzlić, a daughter of the applicant, with whom the late grandmother had concluded a contract of life support in 1990. This request was rejected at first. On 7 September 2001, however, the applicant informed the Chamber that in the meantime she and members of her family had been reinstated into the apartment, where they currently live.

II. OPINION OF THE CHAMBER

3. 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."
4. The Chamber notes 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. It follows that the application may be struck out of the list.

III. CONCLUSION

5. For these reasons, the Chamber, unanimously,

STRIKES THE APPLICATION OUT.

(signed)
Ulrich GARMS
Registrar of the Chamber

(signed)
Michèle PICARD
President of the First Panel