



DECISION TO STRIKE OUT

Case no. CH/99/1958

Mara ŠOLA

against

THE REPUBLIKA SRPSKA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 9 December 1999 with the following members present:

Mr. Giovanni GRASSO, President
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 as well as Rule 52 of the Chamber's Rules of Procedure:

I. FACTS

1. The applicant is the owner of a house in Derventa, Republika Srpska. The application concerns her attempts to regain possession of it. It was previously occupied by Bosnian Serb displaced persons. On 12 October 1999 she regained possession of her house.

II. COMPLAINTS

2. The applicant complained in a general manner of her inability to regain possession of her house.

III. PROCEEDINGS BEFORE THE CHAMBER

3. The application was introduced on 25 June 1999 and registered on the same day. On 10 August 1999 the Chamber requested certain further information from the applicant, which was received on 19 August 1999.

4. On 26 October 1999 the Chamber received a letter from the applicant's daughter in which she informed it that on 12 October 1999 the previous occupants of the house had moved out and that she and her mother had regained possession of it.

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 applicant has regained possession of her house. Accordingly the subject matter of her application to the Chamber 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

7. For these reasons, the Chamber, unanimously,

STRIKES OUT THE APPLICATION.

(signed)
Anders MÅNSSON
Registrar of the Chamber

(signed)
Giovanni GRASSO
President of the Second Panel