



DECISION TO STRIKE OUT

Case no. CH/99/2160

Zdravka JOVANČIĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 8 November 2002 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. 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)(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 11 May 1999.
2. The applicant complained of her inability to repossess her pre-war apartment located at Semira Frašte no. 8 in Sarajevo.
3. On 7 May 2001, the Chamber transmitted the application to the respondent Party for its observations on the admissibility and merits under Article 8 of the European Convention on Human Rights (the "Convention") and Article 1 of Protocol No. 1 to the Convention.
4. On 21 June 2001, the respondent Party submitted its observations stating that, acting in accordance with the recommendation of Ombudsman for Bosnia and Herzegovina, the respondent Party had executed the procedural decision of the Administration for Housing Affairs of Canton Sarajevo of 13 July 1998 in such way that it reinstated the applicant into her apartment on 18 September 2000.
5. On 18 July 2001 the Chamber sent a letter to two different addresses of the applicant by registered mail asking her to confirm that she had been reinstated into possession of her apartment, but the applicant did not respond to this letter. This letter specifically warned the applicant that if she did not respond to it, the Chamber might decide to strike out her application. According to the delivery receipt, the applicant received this letter on 20 July 2001. However, the Chamber has not received any answer from the applicant, and the deadline set for her answer has expired.

II. OPINION OF THE CHAMBER

6. 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."
7. Considering that it appears that the applicant has been reinstated into possession of her apartment, and that she has not replied to the letters from the Chamber, the Chamber 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

8. For these reasons, the Chamber unanimously,

STRIKES OUT THE APPLICATION.

(signed)
Ulrich GARMS
Registrar of the Chamber

(signed)
Giovanni GRASSO
President of the Second Panel