



## **DECISION TO STRIKE OUT**

**Case no. CH/99/2307**

**Jelka GRAB**

**against**

**THE FEDERATION OF BOSNIA AND HERZEGOVINA**

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 8 September 2001 with the following members present:

Ms. Michèle PICARD, President  
Mr. Dietrich RAUSCHNING, Vice President  
Mr. Hasan BALIĆ  
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) and XI of the Agreement and Rules 49(2) and 52 of the Chamber's Rules of Procedure:

### **I. INTRODUCTION**

1. The case concerns the applicant's attempts to regain possession of an apartment situated in Sarajevo after she had left it due to the war hostilities. The applicant lodged, along with requests to institutions of the respondent Party, an application to the Commission for Real Property Claims of Displaced Persons and Refugees (CRPC), which issued a decision on 8 June 1999 recognising that she was the occupancy right holder of the apartment and that she had the right to regain possession of it.
2. On 7 August 2000 the Administration for Housing Affairs issued a decision authorising the applicant to regain possession of her apartment.
3. On 26 March 2001 the Chamber was informed by the respondent Party that its decision had been enforced on 7 December 2000 and that the applicant had taken possession of her apartment on that day. On 18 April 2001 the applicant confirmed her reinstatement.

## **II. OPINION OF THE CHAMBER**

4. In accordance with Article VIII (3) of the Agreement, "the Chamber may decide at any point in its proceedings to ... strike out an application on the ground that ... (b) the matter has been resolved; ... provided that such result is consistent with the objective of respect for human rights".
5. The Chamber notes that the applicant lodged her application with a view to regaining possession of the apartment over which she held an occupancy right. As noted above, the applicant regained possession of the apartment while the case was still pending before the Chamber.
6. As the Chamber decided in *S. P.* (CH/99/2336, decision to strike out of 2 July 2001), the decision as to whether it should strike an application out, or in the alternative, proceed to a conclusion on the case, will depend on all circumstances of the individual case.
7. In the present case there are no special circumstances as described in *S. P.* regarding respect for human rights which would require the examination of the application to be continued. The Chamber finds that the application may be struck out of the list.

## **III. CONCLUSION**

8. 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