



DECISION TO STRIKE OUT

Case no. CH/99/2328

Emina DERVIĆ

against

REPUBLIKA SRPSKA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel, on 6 March 2003 with the following members present:

Mr. Mato TADIĆ, President
Mr. Jakob MÖLLER
Mr. Mehmed DEKOVIĆ
Mr. Giovanni GRASSO
Mr. Manfred NOWAK
Mr. Vitomir POPOVIĆ
Mr. Viktor MASENKO-MAVI

Mr. Ulrich GARMS, Registrar
Ms. Olga KAPIĆ, Deputy Registrar
Ms. Antonia DE MEO, 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 case concerns the applicant's attempts to regain possession of her pre-war property, located at Vojvode Bojovića 25 Street in Prnjavor, the Republika Srpska.
2. On 2 March 1999, the applicant lodged a request for repossession before the Ministry for Refugees and Displaced Persons, Prnjavor Department.
3. The applicant entered into possession of her pre-war property on a date unknown to the Chamber.

II. PROCEEDINGS BEFORE THE CHAMBER

4. The application was introduced on 13 August 1999 and registered on the same day.
5. On 25 October 2002, the Chamber transmitted the application to the respondent Party for its observations on the admissibility and merits under Articles 6, 8 and 14 of the European Convention on Human Rights ("the Convention") and Article 1 of Protocol No. 1 to the Convention.
6. On 5 February 2003, the applicant provided information to the Chamber that she had regained possession of her property, and therefore, she suggested that the Chamber strike out her application.

III. OPINION OF THE CHAMBER

7. 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."
8. Considering that the applicant has reposessed her property and that she has suggested that her application be struck out, 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.

IV. CONCLUSION

9. For these reasons, the Chamber, unanimously

STRIKES OUT THE APPLICATION.

(signed)
Ulrich GARMS
Registrar of the Chamber

(signed)
Mato TADIĆ
President of the Second Panel