



DECISION TO STRIKE OUT

Case no. CH/99/2538

Nevenka NOVAKOVIĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 6 December 2002 with the following members present:

Mr. Viktor MASENKO-MAVI, Acting 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)(a) of the Agreement and Rules 49(2) and 52 of the Chamber's Rules of Procedure:

I. INTRODUCTION

1. The application was introduced on 15 June 1999 and registered on the same day.
2. The applicant complained of her inability to repossess her pre-war apartment, located at Trg Nezavisnosti no. 28/V, in Sarajevo.
3. On 14 May 1998 the applicant submitted a claim to repossess her pre-war apartment to the Administration for Housing Affairs of the Sarajevo Canton (Uprava za upravno rješavanje u stambenoj oblasti Kantona Sarajevo) (the "Administration"). On 19 August 1998 the Administration issued a procedural decision approving the applicant as the occupancy right holder and allowing her to repossess the apartment.
4. On 20 November 1998 the applicant filed a request for enforcement of the decision of the Administration.
5. On 28 January 1999, acting on the applicant's request, the Commission for Real Property Claims of Displaced Persons and Refugees ("CRPC") issued a decision approving the applicant as the occupancy right holder and allowing her to repossess the apartment. On 28 May 1999 the applicant lodged a request for enforcement of the CRPC decision.
6. On 1 September 2000 the applicant submitted a letter to the Chamber expressly stating that she had been reinstated into possession of her pre-war apartment and does not intend to pursue the application any more.

II. 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 (a) 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 informed the Chamber that she has been reinstated into possession of her pre-war apartment 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

9. For these reasons, the Chamber, unanimously

STRIKES OUT THE APPLICATION.

(signed)
Ulrich GARMS
Registrar of the Chamber

(signed)
Victor MASENKO-MAVI
Acting President of the Second Panel