



DECISION TO STRIKE OUT

Case no. CH/99/2564

Etelka BELEVSKI

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 11 October 2002 with the following members present:

Mr. Viktor MASENKO-MAVI, Acting President
Mr. Jakob MÖLLER
Mr. Mehmed DEKOVIĆ
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. FACTS

1. The application was introduced on 21 June 1999.
2. The applicant complained of her inability to repossess her pre-war apartment, located at Ivana Markovića Irca no. 119, in Tuzla.
3. On 20 July 1999, the application was transmitted to the Federation of Bosnia and Herzegovina ("the Federation"). On 16 May 2002, the Federation informed the Chamber that the applicant had repossessed her apartment on 3 July 2000.
4. On 4 June 2002, the Chamber sent a letter by registered mail to the applicant's contact address at her pre-war apartment, asking her to confirm her reinstatement. This letter specifically warned the applicant that if she did not respond to it, the Chamber might decide to strike out her application. The Chamber received the delivery receipt, which was signed by the applicant. However, the applicant never responded to the Chamber's letter.

II. OPINION OF THE CHAMBER

5. 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 result is consistent with objective of respect for human rights".
6. The Chamber notes that it appears that the applicant has been reinstated into possession of her apartment. It also considers that although the applicant received the Chamber's letter asking her to confirm her repossession, she has not responded. The Chamber therefore 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

7. For these reasons, the Chamber unanimously,

STRIKES OUT THE APPLICATION.

(signed)
Ulrich GARMS
Registrar of the Chamber

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