DECISION TO STRIKE OUT

CASE No. CH/99/2737

Fikreta OREŠKOVIĆ

against

BOSNIA AND HERZEGOVINA
THE FEDERATION OF BOSNIA AND HERZEGOVINA
and
THE REPUBLIKA SRPSKA

The Human Rights Chamber for Bosnia and Herzegovina, sitting in plenary session on 4 April 2001 with the following members present:

Ms. Michèle PICARD, President
Mr. Giovanni GRASSO, Vice-President
Mr. Dietrich RAUSCHNING
Mr. Hasan BALIĆ
Mr. Rona AYBAY
Mr. Želimir JUKA
Mr. Jakob MÖLLER
Mr. Mehmed DEKOVIĆ
Mr. Manfred NOWAK
Mr. Miodrag PAJIĆ
Mr. Vitomir POPOVIĆ
Mr. Viktor MASENKO-MAVI
Mr. Andrew GROTRIAN
Mr. Mato TADIĆ

Mr. Peter KEMPEES, 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) of the Agreement and Rules 49(2) and 52 of the Chamber's Rules of Procedure:

i. INTRODUCTION

1. The application was introduced on 2 August 1999. The applicant, who directed the application against the Federation of Bosnia and Herzegovina, complained about her inability to regain possession of the home that she owned in Brčko. She further requested that the Chamber order the Federation of Bosnia and Herzegovina, as a provisional measure, to take all necessary action to prevent her eviction from her temporary residence in Tuzla until such time as she would regain her property in Brčko. On 8 October 1999 the request was rejected.

2. In April 2000, the Chamber decided to consider the case against Bosnia and Herzegovina and Republika Srpska, not the Federation of Bosnia and Herzegovina.

3. By letter dated 9 January 2001 the applicant informed the Chamber that she had regained possession of her home in Brčko. By letter dated 19 March 2001 the applicant informed the Chamber that she no longer wanted to pursue her application before the Chamber.

ii. OPINION OF THE CHAMBER

4. Having regard to Article VIII(3) of the Agreement, the Chamber finds that the applicant does not intend to pursue the application. In view of the fact that the applicant withdraws her application, it is no longer justified to continue the examination of the application. Furthermore, the Chamber finds no special circumstances regarding respect for human rights which require the examination of the application to be continued. It follows that the application must be struck out of the list.

iii. CONCLUSION

5. For these reasons, the Chamber, unanimously

STRIKES THE APPLICATION OUT.

(signed)
Peter KEMPEES
Registrar of the Chamber

(signed)
Michèle PICARD
President of the Chamber