



DECISION TO STRIKE OUT

Case no. CH/99/2830

“E.V.”

against

THE REPUBLIKA SRPSKA

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 KAPIC, 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 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 family house located at Ulica Ratka Marušića 16, Novi Grad/Bosanski Novi, the Republika Srpska.
2. On 2 March 1999, the applicant requested the Ministry for Refugees and Displaced Persons of Novi Grad (OMI Novi Grad) to return possession of her pre-war property to her.
3. On 20 March 2000, the applicant entered into possession of her pre-war property.

II. PROCEEDINGS BEFORE THE CHAMBER

4. The application was introduced on 2 September 1999 and registered on 12 September 1999.
5. On 30 May 2000, the applicant informed the Chamber that she had repossessed her pre-war property on 20 March 2000. The applicant did not state anything as to whether she wished to pursue her application before the Chamber.

III. OPINION OF THE CHAMBER

6. 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."
7. The Chamber notes that the applicant lodged her application with a view to regaining possession of her property, and on 20 March 2000, while the case was still pending before the Chamber, she regained such possession. That being so, the Chamber considers that the main issue raised in the application has been resolved.
8. As the applicant has not drawn the Chamber's attention to any special circumstances regarding the respect for human rights which would require the examination of the application to be continued after the main issue raised in the application has been resolved, the Chamber considers that no such special circumstances are present in this application. The Chamber, therefore, decides to strike out the application, pursuant to Article VIII(3)(b) of the Agreement.

IV. CONCLUSION

9. 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