



DECISION TO STRIKE OUT

CASE No. CH/00/5324

Branka JOVANOVIĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 6 June 2001 with the following members present:

Mr. Giovanni GRASSO, President
Mr. Viktor MASENKO-MAVI, Vice-President
Mr. Jakob MÖLLER
Mr. Mehmed DEKOVIĆ
Mr. Manfred NOWAK
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 Rule 52 of the Chamber's Rules of Procedure:

I. INTRODUCTION

1. The application was introduced on 6 July 2000.
2. The applicant complained that the Administration for Housing Affairs of the Sarajevo Canton, ("Administration") - Uprava za stambena pitanja Kantona Sarajevo ("Uprava") failed to decide upon her request of 2 September 1998 for repossession of a pre-war apartment located at ulica Adija Mulabegovića (previously Đure Jakšića) 2/III.
3. The applicant is the wife of Mr. L.J., who was the pre-war occupancy right holder over the apartment in question. His right over the apartment was confirmed by a decision of the Commission for Real Property Claims of Displaced persons and Refugees ("Annex 7 Commission") of 8 October 1998. According to the applicant the decision was submitted to the Administration on 28 June 1999 as evidence of Mr. L.J.'s occupancy right. However, the administration took no actions.
4. On 22 February 2001 the Registry sent a letter to the applicant requesting information on further developments in the proceedings before the domestic authorities, specifically whether she requested the Administration to enforce the CRPC decision and whether she had reposessed the apartment. On 3 April 2001 the Chamber received a letter from the applicant stating, in relevant part, that she had been reinstated into the apartment on 27 July 2000, but wished to continue the case.

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 a result is consistent with the objective of respect for human rights."
6. The Chamber finds that the applicant was reinstated to her apartment; therefore, the matter 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. It follows that the application may be struck out of the list.

III. CONCLUSION

7. For these reasons, the Chamber, unanimously,

STRIKES OUT THE APPLICATION.

(signed)
Peter KEMPEES
Registrar of the Chamber

(signed)
Giovanni GRASSO
President of the Second Panel