



DECISION TO STRIKE OUT

CASE No. CH/99/3218

Terezija ŠIMIČEVIĆ

against

**BOSNIA AND HERZEGOVINA
and
THE FEDERATION OF BOSNIA AND HERZEGOVINA**

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 8 September 2001 with the following members present:

Mr. Giovanni GRASSO, President
Mr. Viktor MASENKO-MAVI, Vice President
Mr. Jakob MÖLLER
Mr. Manfred NOWAK

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) of the Agreement and Rules 49(2) and 52 of the Chamber's Rules of Procedure:

I INTRODUCTION

1. The application was introduced to the Chamber on 23 November 1999.
2. The applicant complained of her inability to return to her pre-war apartment located at Ulica Mala aleja 22 (formerly Mala aleja 8) in Sarajevo.
3. The application was transmitted to the Federation of Bosnia and Herzegovina ("the Federation") on 22 June 2001. On 23 July 2001 the Federation submitted its observations, stating that the applicant had regained possession over the apartment in question.
4. On 11 July 2001 the applicant informed the Chamber that she had been reinstated into her apartment and that she therefore did not wish to pursue the proceedings before the Chamber.

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 (a) the applicant does not intend to pursue his application; ... provided that such result is consistent with the objective of respect for human rights."
6. The Chamber finds that the applicant does not wish to pursue her application. 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 finds it appropriate to strike out the application.

III. CONCLUSION

7. For these reasons, the Chamber, unanimously,

STRIKES THE APPLICATION OUT.

(signed)
Ulrich GARMS
Registrar of the Chamber

(signed)
Giovanni GRASSO
President of the Second Panel