



DECISION TO STRIKE OUT

Case no. CH/00/4932

Zorka MIHIĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 5 July 2002 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. 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. INTRODUCTION

1. The application was introduced on 18 May 2000.
2. The applicant complained of her inability to repossess her pre-war apartment, located at Ulica Antuna Hangija no. 35/II, in Sarajevo.
3. On 3 June 1998 the applicant requested the Municipal authorities to be reinstated into her apartment.
4. On 9 August 1999 the Sarajevo Municipal Department for Housing Affairs issued a procedural decision recognising the applicant's occupancy right and deciding that the temporary occupant was obliged to leave the apartment within 90 days.
5. On 9 November 1999, the applicant submitted a request for execution of the procedural decision. The conclusion for enforcement of the procedural decision was issued on 9 May 2001.
6. On 9 December 1999 the Commission for Real Property Claims of Displaced Persons and Refugees ("CRPC") issued a decision confirming the applicant's occupancy right.
7. On 1 September 2000 the applicant submitted a request for execution of the CRPC decision. The conclusion for enforcement of the CRPC decision was issued on 14 August 2001.

II. PROCEEDINGS BEFORE THE CHAMBER

8. The application was transmitted to the Federation of Bosnia and Herzegovina ("the Federation"). On 23 July 2001 the Federation submitted its observations on admissibility and merits of the application.
9. On 28 December 2001, the Federation informed the Chamber that applicant had been reinstated into her apartment on 18 November 2001.
10. On 27 February 2002 the Chamber sent a letter to the applicant, asking her to confirm that she has been reinstated into possession of her property. On 4 March 2002 the applicant received this letter. The Chamber has not received any answer from the applicant, and the deadline set for her answer has expired on 27 March 2002.

III. OPINION OF THE CHAMBER

11. 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."
12. Considering that it appears that the applicant has been reinstated into possession of her apartment, and that she has not replied to the letter from the Chamber, the Chamber 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.

IV. CONCLUSION

13. For these reasons, the Chamber, unanimously,

STRIKES OUT THE APPLICATION.

(signed)
Ulrich GARMS
Registrar

(signed)
Giovanni GRASSO
President of the Second Panel