



DECISION TO STRIKE OUT

Case no. CH/99/2634

M. B.

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

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 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. FACTS

1. The application was introduced on 28 June 1999.
2. The applicant complained of her inability to repossess her pre-war apartment, located at Olimpijska no. 11, in Sarajevo.
3. On 7 May 2001 the application was transmitted to the Federation of Bosnia and Herzegovina ("the Federation") for its observations on the admissibility and merits. On 21 June 2001 the Federation submitted its written observations, stating that the apartment in question was sealed and the applicant had been informed that she could take over the keys.
4. On 18 July 2001 and 11 November 2002 the Chamber sent letters to the applicant asking if she had been reinstated into possession of the apartment.
5. On 15 November 2002 the applicant confirmed that she had succeeded to enter into possession of the above-mentioned apartment and she declared that this matter had been resolved.

II. 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. Considering the applicant's statement, 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.

III. CONCLUSION

8. 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