



DECISION TO STRIKE OUT

Case no. CH/98/1049

Vinka BABIĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 4 July 2003 with the following members present:

Ms. Michèle PICARD, President
Mr. Miodrag PAJIĆ, Vice-President
Mr. Hasan BALIĆ
Mr. Rona AYBAY
Mr. Želimir JUKA
Mr. Andrew GROTRIAN

Mr. Ulrich GARMS, Registrar
Ms. Olga KAPIĆ, Deputy Registrar
Ms. Antonia DE MEO, 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 5 November 1998 and registered on the same day.
2. The applicant complained of her inability to repossess her pre-war apartment, located at Trg Heroja No. 30/V, in Sarajevo.
3. On 28 October 2002, the application was transmitted to the Federation of Bosnia and Herzegovina ("the Federation"). On 29 November 2002, the Federation submitted its written observations. The applicant has never submitted her observations in response.
4. On 1 April 2003, the Federation informed the Chamber that on 27 December 2002, the applicant had been reinstated into possession of her pre-war apartment, and it submitted the minutes of this reinstatement.
5. On 10 April 2003, the Chamber sent a letter to the applicant asking her to confirm her reinstatement. The letter specifically warned the applicant that if she did not respond to it, the Chamber might decide to strike out her application. The Chamber received the signed delivery receipt; however, the applicant never responded to the Chamber's letter.

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 objective of respect for human rights".
7. Considering that the Chamber has received information from the respondent Party that the applicant has entered into possession of her pre-war apartment, 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, pursuant to Article VIII(3)(b) of the Agreement.

III. CONCLUSION

8. For these reasons, the Chamber unanimously,

STRIKES OUT THE APPLICATION.

(signed)
Ulrich GARMS
Registrar of the Chamber

(signed)
Michèle PICARD
President of the First Panel