



DECISION TO STRIKE OUT

Case no. CH/99/1609

Munib TESKEREDŽIĆ

against

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

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 9 December 1999 with the following members present:

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

Mr. Anders MÅNSSON, 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. FACTS

1. The applicant is a citizen of Bosnia and Herzegovina. On 29 October 1991 he bought from the Yugoslav National Army ("JNA") the apartment he was – and still is - occupying in Sarajevo, Ulica Lenjinova (now Grbavička) 127. A decree with force of law, issued on 3 February 1995 by the Presidency of the Republic of Bosnia and Herzegovina, ordered courts and other state authorities to adjourn proceedings relating to the purchase of apartments from the JNA. Legislation passed shortly after the General Framework Agreement came into force on 14 December 1995 annulled the purchase contract. On 2 July 1999 new legislation entered into force, according to which the Federation Ministry of Defence should issue an order for the registration of the occupancy right holder as the owner of the apartment with the competent court, provided that the occupancy right holder legally uses the apartment and has concluded a legally binding purchase contract.

II. COMPLAINTS

2. The applicant complained that the passing of legislation adjourning all proceedings to register the purchase contract and the subsequent annulment of the contract violated his rights to his home, to access to court, to an effective remedy against violations of his human rights and to peaceful enjoyment of his possessions, protected by Articles 8, 6 and 13 of the European Convention on Human Rights and Article 1 of Protocol No. 1 to the Convention respectively.

III. PROCEEDINGS BEFORE THE CHAMBER

3. The application was introduced to the Chamber on 18 February 1999 and registered on the same day. The applicant is represented by Ms. Dika Teskeredžić.

4. By letter of 15 November 1999 the applicant informed the Chamber that he had "solved his housing problem" and that he therefore intended to withdraw his application. The Chamber construes the applicant's statement as meaning that he managed to obtain the court registration of his property over the apartment.

IV. OPINION OF THE CHAMBER

5. According to Article VIII(3) of the Agreement, the Chamber may at any point decide to strike out an application on the ground that the applicant does not intend to pursue his application or that for any other reason established by the Chamber, it is no longer justified to continue the examination. However, a decision to strike out an application must be consistent with the objective of respect for human rights.

6. According to the applicant's letter, the matter that gave rise to his application is solved and he no longer wishes to pursue the application before the Chamber.

7. Under the above circumstances, the Chamber does not find it inconsistent with the objective of respect for human rights to strike out the application.

V. CONCLUSION

8. For these reasons, the Chamber, unanimously,

STRIKES OUT THE APPLICATION.

(signed)
Anders MÅNSSON
Registrar of the Chamber

(signed)
Michèle PICARD
President of the First Panel