



DECISION TO STRIKE OUT

Case no. CH/99/1432

Anica TOMAS

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 8 March 2000 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. Vitomir POPOVIĆ
Mr. Mato TADIĆ

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 as well as Rules 49(2) and 52 of the Chamber’s Rules of Procedure:

I. FACTS

1. The applicant is a citizen of Bosnia and Herzegovina. She was the holder of an occupancy right over an apartment at Branilaca Sarajeva St. 31/II, Sarajevo, according to a contract concluded on 30 August 1991. She left the apartment during the war. By a decision of 2 November 1993 the Municipal Secretariat for Housing Affairs in Sarajevo declared the apartment abandoned and temporarily allocated it to another person. The applicant submitted a request for reinstatement into her apartment on 10 June 1998 to the Administration for Housing Affairs of Canton Sarajevo. On 21 September 1998 that authority issued a decision in the applicant's favour. The temporary user appealed against the decision to the Ministry of Housing and Utility Affairs of Canton Sarajevo which on 4 December 1998 annulled the decision of the first instance and returned the case for re-examination. On 31 January 2000 the applicant regained possession of her apartment.

II. COMPLAINTS

2. The applicant alleged a violation of Article 8 of the European Convention for Human Rights and Article 1 of Protocol No. 1 to the Convention.

III. PROCEEDINGS BEFORE THE CHAMBER

3. The application was introduced and registered on 12 January 2000.

4. By a letter of 22 February 2000 the applicant informed the Chamber of her wish to withdraw her application, referring to the fact that she had regained possession of her 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 (a) the applicant does not intend to pursue his application; (b) the matter has been resolved; or (c) for any other reason established by the Chamber, it is no longer justified to continue the examination of the case. In all these situations, however, a decision to strike out an application must be consistent with the objective of respect for human rights.

6. The Chamber notes that the applicant re-entered her apartment on 31 January 2000 and wishes to withdraw the application. In these circumstances, and considering that the underlying matter has been resolved, the Chamber finds that it is no longer justified to continue the examination of the present case. Moreover, such an outcome would not be inconsistent with the objective of respect for human rights.

V. CONCLUSION

7. For these reasons, the Chamber, unanimously,

STRIKES OUT THE APPLICATION.

(signed)
Anders MÅNSSON
Registrar of the Chamber

(signed)
Giovanni GRASSO
President of the Second Panel