



DECISION TO STRIKE OUT

Case no. CH/98/1043

Faik PORČA

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 2 July 2003 with the following members present:

Ms. 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 as well as Rules 49 and 52 of the Chamber's Rules of Procedure:

I. INTRODUCTION

1. This case concerns the applicant's attempts to stay in his apartment in Sarajevo ulica Kasima Prohića 6.
2. On 29 March 1993 by a decision of the State owned Company "Hidromontaža" the applicant was temporally allocated an apartment in Sarajevo ulica Kasima Prohića.
3. On 11 February 1998 the State owned Company "Hidromontaža" issued the decision allocating the apartment to the applicant for permanent use.
4. On 16 March 1998 and 18 March 1998 "Hidromontaža" sent a letter to the Housing Fund of Sarajevo with a recommendation to issue a ban on giving approval for conclusion of the contract on use with the applicant.
5. On 25 June 1998, "Hidromontaža" issued the decision annulling the decision of 11 February 1998.

II. PROCEEDINGS BEFORE THE CHAMBER

6. The application was introduced to the Chamber on 30 October 1998 and registered on the same day.
7. The applicant requested the Chamber to issue a fair decision within its competency and aiming to protect his legal and human rights.
8. On 10 February 2003, the applicant informed the Chamber he had obtained the court's decision in his favour in October 1999.

III. OPINION OF THE CHAMBER

9. 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."
10. Considering that the applicant has solved his problem before the domestic court, 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

11. 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