



DECISION TO STRIKE OUT

Case no. CH/98/1050

Taib FEHRIĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 8 February 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 and Rules 49(2) and 52 of the Chamber’s Rules of Procedure:

I. FACTS

1. The applicant, a citizen of Bosnia and Herzegovina, had a contract on use and had been allocated an apartment in the municipality of Živinice. The applicant left the apartment, presumably during the war in Bosnia and Herzegovina. When he returned, he discovered that another person was occupying the apartment. The applicant submitted a claim to the Municipal Secretariat for Social Affairs in Živinice and received a decision on 6 June 1998 stating that he was the occupancy right holder and should be allowed to re-enter the apartment. As he experienced difficulties in having this decision enforced, he applied to the Ombudsmen of the Federation for assistance.

II. COMPLAINTS

2. The application raises issues under Article 8 of the European Convention on Human Rights and Article 1 of Protocol No. 1 to the Convention.

III. PROCEEDINGS BEFORE THE CHAMBER

3. The application was introduced on 5 November 1998 and registered on the same day.

4. On 6 December 1999 the Chamber received a letter from the applicant stating that he had solved his problem and no longer wished to pursue his application.

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 her 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. In this case the applicant has asked the Chamber to cease consideration of the case as he has solved his problem. Accordingly, the Chamber concludes that the applicant does not intend to pursue his application. In these circumstances it is no longer justified to continue the examination of the 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