



DECISION TO STRIKE OUT

Case no. CH/98/1077

Zora BAĆINSKI

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 8 February 2000 with the following members present:

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

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 an occupancy right and a contract on use over an apartment in Ilijas. On 24 February 1996 she left the apartment to live with her brother in Kiseljak because she feared ethnic cleansing. Shortly thereafter another individual moved into the apartment.
2. On 12 November 1996 the applicant filed a claim with the Municipal Court I in Sarajevo for repossession of the apartment. Since that time the applicant has pursued her case before various administrative and judicial bodies.
3. On 1 December 1999 the applicant informed the Chamber that she had re-entered her apartment and therefore no longer wished to pursue her application.

II. COMPLAINTS

4. 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

5. The application was introduced and registered on 23 November 1998.

IV. OPINION OF THE CHAMBER

6. 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.
7. In this case, the applicant has stated that she has re-entered her apartment and therefore no longer wishes to pursue her case before the Chamber. Accordingly, the Chamber concludes that the underlying matter has been resolved. 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

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