



DECISION TO STRIKE OUT

CASE No. CH/98/618

Ivo DUNKIĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

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

Mr. Giovanni GRASSO, President
Mr. Viktor MASENKO-MAVI, Vice-President
Mr. Vlatko MARKOTIĆ
Mr. Jakob MÖLLER
Mr. Mehmed DEKOVIĆ

Mr. Leif BERG, 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)(a) and (b) of the Agreement as well as Rules 49(2) and 52 of the Chamber's Rules of Procedure:

I. FACTS

1. The applicant was the holder of an occupancy right over an apartment at Hamdije Kreševljakovića No. 60/XI, Sarajevo. He left Sarajevo in 1993 for health reasons and lived abroad as a refugee. By a decision of 11 August 1994 the Secretariat for Housing Affairs in Sarajevo (hereinafter "the Municipal Secretariat") declared the applicant's apartment abandoned and temporarily allocated it to another family. The applicant returned to Sarajevo on 15 March 1996. At the same time he submitted a request for reinstatement into his apartment. In a decision of 16 September 1996 the Municipal Secretariat approved his request to be reinstated but allowed the other family to continue using the apartment until their housing problems had been resolved.
2. According to the applicant's letter of 3 February 1999 the applicant had been able to return to his apartment on 5 August 1998.

II. COMPLAINTS

3. The applicant alleged a violation of Articles 6 and 8 of the European Convention for Human Rights ("the Convention") and of Article 1 of Protocol No. 1 to the Convention. The applicant also alleged a violation of his right as a refugee to return home. He also invoked Article (2)(II)(A) of the Constitution of the Federation of Bosnia and Herzegovina (right to home and equality before the law).

III. PROCEEDINGS BEFORE THE CHAMBER

4. The application was submitted on 30 April 1998 and registered on 15 May 1998.
5. On 3 February 1999 the applicant submitted a letter by which he withdrew his application. He stated that he and his family had re-entered their apartment on 5 August 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 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.
7. In the present case the Chamber notes that the applicant re-entered his apartment on 5 August 1998 and now withdraws the application. In these circumstances and considering that the underlying matter has been resolved, the Chamber finds, pursuant to Article VIII(3)(a) and (b) of the Agreement, that it is no longer justified to continue the examination of the present case. Nor would such an outcome be inconsistent with the objective of respect for human rights.

V. CONCLUSION

8. For these reasons, the Chamber unanimously,
STRIKES OUT THE APPLICATION.

(signed)
Leif BERG
Registrar of the Chamber

(signed)
Giovanni GRASSO
President of the Second Panel