



DECISION TO STRIKE OUT

Case no. CH/98/714

Sofija TADIĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

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

Mr Viktor MASENKO-MAVI, Acting President
Mr Jakob MÖLLER
Mr Mehmed DEKOVIĆ
Mr Manfred NOWAK
Mr Mato TADIĆ

Mr Anders MÅNSSON, Registrar
Ms Olga KAPIC, 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 Rule 52 of the Chamber’s Rules of Procedure:

I. FACTS

1. The applicant is an occupancy right holder over an apartment of the Yugoslav National Army (“JNA”) on Ulica Antuna Hangija 15/II Apt. 30 in Sarajevo. The applicant and her family all left Sarajevo by November 1992 because of the hostilities. In 1994 the applicant returned to Bosnia and Herzegovina and took up temporary residence in Bijeljina where she still resides.
2. During her absence, the apartment was reallocated to another user. The applicant desires the eviction of the current occupant and repossession of her apartment.

II. COMPLAINT

3. The application raises issues under Article 8 to the European Convention on Human Rights regarding the right to respect for one’s home, and Article 1 of Protocol No. 1 to the Convention, regarding the right to property.

III. PROCEEDINGS BEFORE THE CHAMBER

4. The application was introduced on 23 June 1999 and registered on the same day.
5. On 8 August 1999 the Chamber received a letter from the applicant asking the Chamber to cease consideration of her case.

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 asked to withdraw her application because she intends to pursue her case instead with the Human Rights Ombudsperson for Bosnia and Herzegovina. Accordingly, the Chamber concludes that the applicant does not intend to pursue her application with the Chamber. 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)
Viktor MASENKO-MAVI
Acting President of the Second Panel