



DECISION TO STRIKE OUT

Case no. CH/99/1735

M.K.

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 7 October 1999 with the following members present:

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

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(2)(c) of the Agreement and Rule 52 of the Chamber's Rules of Procedure:

I. FACTS

1. The applicant is an occupancy right holder over an apartment located at Omladinskih radnih brigada 12/5 in Sarajevo. The applicant left Sarajevo during the hostilities and took up temporary residence in Novi Sad. During her absence the apartment was allocated to a temporary user with an occupancy right.
2. The applicant returned to Sarajevo in September 1996 and instituted proceedings to regain possession of her apartment.
3. Sometime before 13 September 1999 the applicant regained possession of her apartment.

II. COMPLAINTS

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

III. PROCEEDINGS BEFORE THE CHAMBER

5. The application was introduced on 17 March 1999 and registered on the same day.

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. The only request that the applicant put before the Chamber and the domestic organs was to regain possession of her apartment. Her request was granted and, subsequently, she entered into possession of her apartment.
8. 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

9. For these reasons, the Chamber, unanimously,

STRIKES OUT THE APPLICATION.

(signed)
Anders MÅNSSON
Registrar of the Chamber

(signed)
Michèle PICARD
President of the Chamber