



DECISION TO STRIKE OUT

CASE No. CH/98/306

Dragoljub SVETOZAREVIĆ

against

BOSNIA AND HERZEGOVINA
and
THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 12 November 1998 with the following members present:

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

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) as well as Rules 49(2) and 52 of the Chamber's Rules of Procedure:

I. FACTS

1. The facts are based on the application and appended documents and can be summarised as set out below.
2. The applicant is the owner of an apartment located at Milutina Đuraškovića 24/IV, apartment number 71, Sarajevo. In accordance with the Law on securing housing for the (former) Yugoslav National Army ("JNA") (Official Gazette, Socialist Federal Republic of Yugoslavia 84/90), the applicant entered into a contract for the purchase of the apartment from the JNA on 23 December 1991 and paid the purchase price due on 31 January 1992.
3. On 26 June 1996, the applicant instituted civil proceedings before the Court of First Instance II in Sarajevo, seeking his registration in the Land Registry as the owner of the apartment concerned.

II. COMPLAINTS

4. In the present case, the applicant alleged a violation of his rights as guaranteed by Article 1 of Protocol No. 1 to the European Convention for the Protection of Human Rights and Fundamental Freedoms ("Convention"), which guarantees the right to peaceful enjoyment of one's possessions. He also alleged that the suspension of the civil proceedings he instituted before the Court of First Instance II in Sarajevo on 26 June 1996 constituted a violation of his rights as guaranteed by Article 6 of the Convention.

III. PROCEEDINGS BEFORE THE CHAMBER

5. The present application was introduced on 22 January 1998 and registered on 10 April 1998. The applicant is represented by Mr. Ismet Mehić. The applicant made a previous application which was registered by the Chamber on 16 December 1997 under Case No. CH/97/111 and which is directed against the same respondent Parties. It also relates to the applicant's purchase of his apartment as described above.
6. On 26 August 1998, the Registrar of the Chamber wrote to the applicant's representative in the present case, informing him of the applicant's previous application. In a letter dated 13 September 1998, the applicant's representative stated that the applicant wished to withdraw the present application and to proceed only with Case No. CH/97/111.

IV. OPINION OF THE CHAMBER

7. 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 must be consistent with the objective of respect for human rights.
8. The applicant's representative has requested that the present application be withdrawn. The Chamber further notes that the applicant has already made an application to the Chamber where he complains of the failure to respect his alleged property rights over the apartment concerned. In these circumstances it is no longer justified to continue the examination of the present case and such an outcome would not be inconsistent with the objective of respect for human rights.

V. CONCLUSION

9. For the above reasons, the Panel, unanimously,

STRIKES OUT THE APPLICATION.

(signed) Leif BERG
Registrar of the Chamber

(signed) Manfred NOWAK
President of the Second Panel