



DECISION TO STRIKE OUT

Case no. CH/98/141

Martin PETRIČEVIĆ

against

**BOSNIA AND HERZEGOVINA
and
THE FEDERATION OF BOSNIA AND HERZEGOVINA**

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 5 September 2000 with the following members present:

Ms. Michèle PICARD, President
Mr. Andrew GROTRIAN, Vice-President
Mr. Dietrich RAUSCHNING
Mr. Hasan BALIĆ
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 Rule 52 of the Chamber's Rules of Procedure:

I. FACTS

1. On 3 April 1992 the applicant concluded a contract for the purchase of a Yugoslav National Army (JNA) apartment and paid the full price. On 22 December 1995 the Presidency of the Republic of Bosnia and Herzegovina issued a decree with force of law providing, *inter alia*, that contracts concluded on the basis of the Law on Securing Housing for the JNA were invalid. The applicant's rights to the apartment were thus annulled.

2. The applicant submitted a request for assistance to the Office of the Ombudsperson of the Federation of Bosnia and Herzegovina on or around 12 January 1996. The Ombudsperson responded on or around 5 March 1996 informing the applicant that his rights with respect to his apartment would be determined when a new law was passed regarding JNA property.

3. According to the applicant's letter to the Chamber of 14 June 2000, the applicant registered his ownership rights over his apartment with the Municipal Court in Tuzla on 31 December 1999.

II. COMPLAINT

4. The applicant requested that the Chamber issue a decision recognising his rights over his private property along with the right to enter his ownership of that property in the land registry.

III. PROCEEDINGS BEFORE THE CHAMBER

5. The application was submitted to the Chamber on 22 January 1998 and registered that same day.

6. On 9 April 1998 the Chamber transmitted the application to the Federation of Bosnia and Herzegovina for its observations on the admissibility and merits of the case. The Federation submitted its observations on 21 February 2000. At that time, the Federation informed the Chamber that the applicant had registered his ownership rights over his apartment.

7. In his letter of 14 June 2000 the applicant stated that he has obtained his rights over his apartment and that there is no need for the Chamber to take any further action.

IV. OPINION OF THE CHAMBER

8. 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.

9. The Chamber notes that the applicant has registered ownership of his apartment and that he wishes to withdraw 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. Moreover, such an outcome would not be inconsistent with the objective of respect for human rights.

V. CONCLUSION

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

(signed)
Peter KEMPEES
Registrar of the Chamber

(signed)
Michèle PICARD
President of the First Panel