



DECISION TO STRIKE OUT

CASE No. CH/98/669

Đuro BANJAC

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 June 2001 with the following members present:

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

Mr. Peter KEMPEES, 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. INTRODUCTION

1. The application was introduced on 2 June 1998. The applicant was the occupancy right holder over an apartment located at ul. Aleja bosanskih vladara 25 (formerly ul. Oktobarske revolucije) in Tuzla. On 3 April 1992 he completed a contract to purchase the apartment in question from the Yugoslav National Army. The applicant complains that he was unable to be registered as the owner of the apartment since "the Presidency of Bosnia and Herzegovina denied it". To resolve this problem, the applicant lodged applications and petitions with the "Office of Mr. Carl Bildt," the Parliament of Bosnia and Herzegovina, the Constitutional Court of Bosnia and Herzegovina, the House of Peoples and the Federation Ombudsman.

II. PROCEEDINGS BEFORE THE CHAMBER

2. The application was introduced on 2 June 1998. The application was transmitted to the respondent Parties for observations on the admissibility and merits pursuant to Rule 49(3)(b) of the Rules of Procedure on 22 April 1999. On 23 June 1999 the Chamber received observations from the Federation of Bosnia and Herzegovina. No observations were received from Bosnia and Herzegovina. On 16 July 1999 the applicant was requested to submit a written statement and any claim for compensation or other relief which he wished to make within a time limit of one month from the date of that letter. The Chamber received no observations in reply from the applicant. On 3 September 1999 the applicant requested to be informed on the state of the proceedings before the Chamber having regard to the amendments to the relevant law imposed by the High Representative on 1 July 1999.

3. On 24 July 2000 the Chamber replied to the applicant and asked him whether he had applied to the Ministry of Defence of the Federation of Bosnia and Herzegovina for issuance of an order for his registration as the owner of the apartment in question in accordance with amended Article 39a of the 1997 Law on Sale of Apartments with an Occupancy Right ("The 1997 Law"). The Chamber received no answer to that letter.

4. On 18 April 2001 the Chamber sent a letter to the applicant again requesting information (by registered mail with confirmation of receipt) whether he had registered his ownership over the apartment in question before the competent court. On 27 April 2001 the applicant's wife sent the Chamber a letter informing that that her husband, who was the applicant in the case before the Chamber, had registered himself as the owner over that apartment. In addition she stated that, soon after that, on 4 August 2000, her husband had died.

III. OPINION OF THE CHAMBER

5. In view of the fact that the applicant registered his ownership over the apartment in question, the Chamber finds that the matter raised in the application has been resolved. Furthermore, the Chamber finds no special circumstances regarding respect for human rights which require the examination of the application to be continued. Having regard to Article VIII(3) of the Agreement, it follows that the application may be struck out of the list.

IV. CONCLUSION

6. 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