



DECISION TO STRIKE OUT

Case no. CH/98/248

Dragomir PERIĆ

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 6 December 2001 with the following members present:

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

Mr. Ulrich GARMS, 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 as well as Rule 52 of the Chamber's Rules of Procedure:

I. INTRODUCTION

1. The application was introduced on 24 January 1998. The applicant complains that the respondent Parties enacted laws which retroactively annulled all contracts on purchase of apartments from the former JNA. The applicant concluded such a contract on 3 April 1992.
2. On 19 June 2001 the Chamber sent a letter by registered mail asking whether the applicant had succeeded in registering his ownership of the disputed apartment.
3. On 29 June 2001 the applicant's representative informed the Chamber that the applicant had succeeded in registering his ownership of the disputed apartment in Tuzla, Muharema Fizovića 11. The applicant therefore wished to withdraw the application.

II. OPINION OF THE CHAMBER

4. In accordance with Article VIII(3) of the Agreement, "the Chamber may decide at any point in its proceedings to suspend consideration of, reject or strike out, an application on the ground that (a) the applicant does not intend to pursue his application; ... provided that such a result is consistent with the objective of respect for human rights."
5. The Chamber notes that the applicant has informed it that he does not intend to pursue his application as he succeeded in registering his ownership of the disputed apartment. Furthermore, the Chamber finds no special circumstances regarding respect for human rights which require the examination of the application to be continued. The Chamber therefore finds it appropriate to strike out the application.

III. CONCLUSION

6. For these reasons, the Chamber, unanimously,

STRIKES OUT THE APPLICATION.

(signed)
Ulrich GARMS
Registrar of the Chamber

(signed)
Giovanni GRASSO
President of the Second Panel