



DECISION TO STRIKE OUT

Case no. CH/98/175

Luka DRAŽETIĆ

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 11 January 2002 with the following members present:

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

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 applicant was the occupancy right holder over an apartment in Mažara Šoše Street 21, Travnik. On 13 March 1992 the applicant concluded a purchase contract for the apartment with the owner of the apartment (SFRY-SSNO Tehničko remontni zavod Travnik) and paid the purchase price.
2. On 12 June 1995 the applicant initiated proceedings before the Municipal Court in Travnik to establish his ownership right over the apartment in question.
3. On 14 May 2001 the respondent Party submitted to the Chamber evidence according to which the Municipal Court in Travnik registered the applicant as the owner of the apartment in the Book of Registered Contracts.
4. On 26 September 2001 the applicant's representative confirmed in a letter to the Chamber that the applicant registered his ownership over the apartment in question.

II. OPINION OF THE CHAMBER

5. 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 ... (b) the matter has been resolved; ... provided that such a result is consistent with the objective of respect for human rights."
6. Considering that the applicant was registered as the owner of 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. The Chamber therefore finds it appropriate to strike out the application.

III. CONCLUSION

7. For these reasons, the Chamber, unanimously

STRIKES OUT THE APPLICATION.

(signed)
Ulrich GARMS
Registrar of the Chamber

(signed)
Michèle PICARD
President of the First Panel