



DECISION TO STRIKE OUT

Case no. CH/98/259

Hajrudin SPAHIĆ

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 6 September 2002 with the following members present:

Ms. Michèle PICARD, 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)(b) of the Agreement as well as Rule 52 of the Chamber's Rules of Procedure:

I. INTRODUCTION

1. The application was introduced on 2 February 1998. The applicant complains that the respondent Parties enacted laws which retroactively annulled all contracts on the purchase of apartments from the former JNA. The applicant concluded such a contract on 14 March 1992. The relevant legislation was subsequently amended so as to allow the registration of ownership over apartments purchased from JNA.

2. On 13 September 2001 the respondent Party submitted to the Chamber evidence according to which the applicant received permission for the registration of the ownership right over the apartment in Sarajevo, ulica Zelenih Beretki 33.

3. On 19 June 2001 the Chamber sent the applicant a letter by registered mail asking whether the applicant had succeeded in registering his ownership of the disputed apartment. No answer was received. On 27 September 2001 the Chamber sent the documents received from the respondent Party to the applicant with a request to state within two weeks whether he wished to pursue the application before the Chamber, as it seemed that the matter of application has been resolved. No answer has been received. The Chamber has received confirmation of the recorded delivery that on 28 September 2001 the applicant received the Chamber's letter from 27 September 2001.

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 ... (b) the matter has been resolved; ... provided that such a result is consistent with the objective of respect for human rights."

5. Considering that the applicant received permission for the registration of the ownership right over the apartment in question and that he has not replied to the Chamber's letter, 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

6. 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