



DECISION TO STRIKE OUT

Case no. CH/98/739

M. V.

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 October 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)(c) of the Agreement and Rules 49(2) and 52 of the Chamber's Rules of Procedure:

I. FACTS

1. The application was introduced on 2 July 1998.
2. The applicant complained of her inability to be recognised and registered as the owner over an apartment located at Oktobarske revolucije no. 2, in Tuzla.
3. The applicant stated that the respondent Parties enacted laws which retroactively annulled all contracts on the purchase of apartments from the former Yugoslav National Army ("JNA"). The applicant concluded such a purchase contract on 3 April 1992. The relevant legislation was subsequently amended so as to allow the registration of ownership over the apartments purchased from the JNA.
4. The application is substantially the same as in the Case no. CH/98/301, which is also pending before the Chamber.
5. On 12 August 1999 the Chamber informed the applicant that her applications will be joint and she was asked in a future correspondence with the Chamber to point the case no. CH/98/301.

II. OPINION OF THE CHAMBER

6. 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 ... (c) for any reason established by the Chamber, it is no longer justified to continue the examination of the application; provided that such result is consistent with the objective of respect for human rights."
7. The Chamber notes that the applicant has another application no. CH/98/301 pending before the Chamber, of the same substance as the application no. CH/98/739. Furthermore, the Chamber finds no special circumstances regarding respect for human rights which require the examination of the present application to be continued. The Chamber therefore decides to strike out the application.

III. CONCLUSION

8. 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