



DECISION TO STRIKE OUT

Case no. CH/98/885

Ivica MIODRAG

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

I INTRODUCTION

1. The application was introduced on 20 August 1998.
2. The case concerns the applicant's attempts to register his ownership over the JNA apartment, located at Ulica Ismeta Mujezinovića 30/IV in Sarajevo.
3. The case was transmitted to the respondent Parties for their observations on 26 January 1999. The Federation of Bosnia and Herzegovina made submissions on 24 March 1999 and 18 June 1999. The applicant made submissions on 29 April 1999.
4. On 5 November 2001 the Federation of Bosnia and Herzegovina informed the Chamber that the Federal Ministry of Defence issued an order for registration of the applicant's ownership with the Land Registry in the Municipal Court I in Sarajevo. The Chamber invited the applicant on 30 July 2002 to confirm whether his case was resolved. The applicant received the Chamber's letter on 5 August 2002 but he did not reply.

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 allowed to register the ownership over his apartment, and that he did not reply 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 decides to strike out the application.

III CONCLUSION

7. For these reasons, the Chamber, unanimously,

STRIKES THE APPLICATION OUT.

(signed)
Ulrich Garms
Registrar of the Chamber

(signed)
Michèle PICARD
President of the First Panel