



DECISION TO STRIKE OUT

Case no. CH/98/1378

Alija JUSUFOVIĆ

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 8 November 2002 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)(b) of the Agreement and Rule 52 of the Chamber’s Rules of Procedure:

I. FACTS

1. The application was introduced on 21 December 1998 and registered on the same date. It concerns the applicant's request to be recognised as the owner of an apartment located at ul. Grbavička (previously Lenjinova) no. 44 in Sarajevo, the Federation of Bosnia and Herzegovina. The applicant purchased the apartment in question from the former Yugoslav National Army in 1991.

2. On 8 October 2002 the applicant submitted a letter informing the Chamber that the matter regarding the ownership over the apartment had been resolved in his favour by a procedural decision of the Land Registry Office, and on 28 March 2002 he was been registered as the owner of his apartment.

II. OPINION OF THE CHAMBER

3. 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."

4. Considering that the applicant was registered as the owner of his apartment on 28 March 2002, 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

5. 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