



DECISION TO STRIKE OUT

Case no. CH/98/300

“B.Ž.”

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 10 January 2003 with the following members present:

Mr. Mato TADIĆ, President
Mr. Jakob MÖLLER
Mr. Mehmed DEKOVIĆ
Mr. Manfred NOWAK
Mr. Vitomir POPOVIĆ
Mr. Viktor MASENKO-MAVI

Mr. Ulrich GARMS, Registrar
Ms. Olga KAPIĆ, Deputy Registrar
Ms. Antonia DE MEO, 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 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 11 February 1998 and registered on 10 April 1998.
2. The case concerns the applicant's attempts to register himself as the legal owner of an apartment of the former Yugoslav National Army ("JNA") located at Aleja Bosanskih vladara 20, Tuzla, the Federation of Bosnia and Herzegovina.
3. On 5 September 2002, the respondent Party informed the Chamber that the applicant had repossessed the apartment in question on 26 September 2001, but that as of December 2001, he had not filed a request to register himself as the owner of the apartment.
4. In a letter received on 13 November 2002, the applicant notified the Chamber that he had succeeded in repossessing the apartment on 26 September 2001, and that he had subsequently registered himself as the legal owner of the apartment in question. He did not specifically indicate whether he wished to continue or cease proceedings before the Chamber.

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. The Chamber notes that the applicant has informed it that he has succeeded in repossessing and being registered as the lawful owner of the apartment in question. That being so, the Chamber considers that the main issues raised in the application have 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 pursuant to Article VIII(3)(b) of the Agreement.

III. CONCLUSION

7. For these reasons, the Chamber, unanimously,

STRIKES OUT THE APPLICATION.

(signed)
Ulrich GARMS
Registrar of the Chamber

(signed)
Mato TADIĆ
President of the Second Panel