



DECISION TO STRIKE OUT

Case no. CH/98/798

Zaharije GLUHOVIĆ

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 to Article VIII(3)(b) of the Agreement and Rules 49(2) and 52 of the Chamber's Rules of Procedure:

I. FACTS

1. The application was introduced on 24 July 1998.
2. The applicant complained of his inability to be recognised and registered as the owner over an apartment located at Slobodana Principa Selje H – 2/II, in Hadžići.
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 13 February 1992. The relevant legislation was subsequently amended so as to allow the registration of ownership over apartments purchased from the JNA.
4. On 22 January 1999 the application was transmitted to Bosnia and Herzegovina and the Federation of Bosnia and Herzegovina (“the Federation”). The Federation submitted its written observations on 19 April 1999. The applicant submitted his observations in reply on 25 May 1999.
5. On 14 December 2000 the applicant informed the Chamber that he had succeeded to enter into possession of the above-mentioned apartment and that he registered his ownership in the land register. On 16 January 2001 the Federation confirmed the applicant’s statement.

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 ... (b) the matter has been resolved;... provided that such result is consistent with objective of respect for human rights”.
7. The Chamber notes that the applicant has been reinstated into possession of his apartment and he has registered his ownership over it. As these were the applicant’s complaints before the Chamber, the Chamber finds that the matters 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.

III. CONCLUSION

8. 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