



DECISION TO STRIKE OUT

Case no. CH/98/757

S.R.

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 10 January 2003 with the following members present:

Ms. Michèle PICARD, President
Mr. Miodrag PAJIĆ, Vice-President
Mr. Dietrich RAUSCHNING
Mr. Hasan BALIĆ
Mr. Želimir JUKA
Mr. Andrew GROTRIAN

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. INTRODUCTION

1. The application was introduced on 13 July 1998 and registered on the same day.
2. The applicant complains that the respondent Parties did not permit him to repossess his pre-war apartment located at Ulica Oktobarske Revolucije 27 in Tuzla and enacted laws which retroactively annulled all contracts on the purchase of apartments from the former Yugoslav National Army (JNA). The applicant concluded such a contract on 10 February 1992. The relevant legislation was subsequently amended so as to allow the registration of ownership over apartments purchased from the JNA.
3. On 8 September 1998 the applicant submitted a claim to repossess his pre-war apartment to the Secretariat for Housing Affairs of the Tuzla Municipality.
4. On 12 June 2002 the Chamber sent a letter to the applicant asking whether he had succeeded in repossessing his apartment and registering his ownership of it. On 1 August 2002 the applicant sent a letter to the Chamber stating that he had been reinstated into possession of his pre-war apartment and registered as the owner over that apartment; therefore, the matter raised in his application has been resolved.

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 the applicant's statement that he has been reinstated into possession and registered as the owner of the apartment in question, 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 OUT THE APPLICATION.

(signed)
Ulrich GARMS
Registrar of the Chamber

(signed)
Michèle PICARD
President of the First Panel