



DECISION TO STRIKE OUT

Case no. CH/98/278

Marijan VIDOVIĆ

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 4 April 2003 with the following members present:

Mr. Mato TADIĆ, President
Mr. Jakob MÖLLER
Mr. Mehmed DEKOVIĆ
Mr. Vitomir POPOVIĆ

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 Rule 52 of the Chamber's Rules of Procedure:

I. INTRODUCTION

1. 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 Ulica Armije BiH 23 in Tuzla, the Federation of Bosnia and Herzegovina. The applicant alleged that he purchased this apartment on 13 February 1992, but he could not register himself as the owner of the apartment.

II. PROCEEDINGS BEFORE THE CHAMBER

2. The application was introduced on 2 February 1998 and registered on 10 April 1998.

3. The application was transmitted to the respondent Parties on 18 September 1998.

4. On 25 February 2000, the Chamber received information from the Federation of Bosnia and Herzegovina that the applicant had succeeded in registering his ownership over the apartment in question on 23 November 1999 at the Municipal Court in Tuzla.

5. On 21 April 2000, the Federation sent another letter to the Chamber requesting that the application be struck out as the matter raised in the application was resolved.

6. On 2 June 2000, the Chamber requested the applicant to confirm the information from the respondent Party, and if true, to state whether he wished to continue with his application before the Chamber. The applicant never responded to that letter.

7. On 2 December 2002, the Chamber sent another letter, via registered mail, to the applicant requesting him to confirm the information received from the respondent Party and to inform the Chamber whether he wished to continue with proceedings before the Chamber. The letter cautioned the applicant that if he did not respond, the Chamber might decide to strike out his application. The Chamber received the signed return receipt, but the applicant did not respond.

III. OPINION OF THE CHAMBER

8. 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."

9. The Chamber notes that the Federation informed it that the applicant has been registered as the lawful owner of the apartment in question. As such, the Chamber finds that the main issue raised in the application has been resolved. The applicant was invited to indicate whether he wished to continue with his application before the Chamber, but he did not respond. 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.

IV. CONCLUSION

10. 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