



## **DECISION TO STRIKE OUT**

**CASE No. CH/97/71**

**Milan BANJAC**

**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 9 May 2001 with the following members present:

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

Mr. Peter KEMPEES, 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) of the Agreement as well as Rule 52 of the Chamber's Rules of Procedure:

**I. INTRODUCTION**

1. The application was introduced on 13 October 1997. The applicant complains that the respondent parties enacted laws which retroactively annulled all contracts to purchase apartments from the former JNA. The applicant concluded such a contract on 10 February 1992.

2. On 18 January 2001 the Chamber sent the applicant a letter by registered mail asking whether he had succeeded in registering his ownership of the disputed apartment.

3. On 2 February 2001 the applicant wrote to the Chamber that on 2 February 2000 he had obtained a certificate from the Ministry of Defence of the Federation of Bosnia and Herzegovina which confirmed the validity of the contract of 10 February 1992 to purchase his apartment. He further stated that he had been granted registration as the owner of the apartment in the land-books in the Municipal Court I in Sarajevo. The registration proceedings before Municipal Court I in Sarajevo are pending.

4. On 13 March 2001 the Chamber sent another letter asking the applicant whether he wanted to continue with the proceedings before the Chamber as it seemed the matter had been resolved. The applicant was asked to reply within 8 days, but the Chamber has received no reply to date.

**II. OPINION OF THE CHAMBER**

5. Having regard to Article VIII(3) of the Agreement, the Chamber finds that the principal matter raised in the application has been resolved, and since the applicant did not reply whether he wants to continue these proceedings, it is no longer justified for the Chamber to continue the examination of the application. Furthermore, the Chamber finds no special circumstances regarding respect for human rights which require the examination of the application to be continued. It follows that the application must be struck out of the list.

**III. CONCLUSION**

For these reasons, the Chamber, unanimously,

**STRIKES OUT THE APPLICATION.**

(signed)  
Peter KEMPEES  
Registrar of the Chamber

(signed)  
Michèle PICARD  
President of the First Panel