



## **DECISION TO STRIKE OUT**

**Case no. CH/98/1057**

**M.Đ.**

**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 6 June 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)(a) of the Agreement and Rule 52 of the Chamber's Rules of Procedure:

## **I. INTRODUCTION**

1. The application was introduced on 9 November 1998 and registered on the same day.
2. The case concerns the applicant's attempts to be registered as the owner of his pre-war apartment, located at Ulica Muharema Fizovića 1 in Tuzla, which he had purchased from the former JNA (Yugoslav National Army) Housing Fund prior to the armed conflict.
3. On 19 October 1999, the Human Rights Ombudsman of Bosnia and Herzegovina and the Chamber sent a joint letter to the applicant, informing him that applications concerning the same matter had been lodged before both institutions and requesting the applicant to specify before which institution he wishes to pursue his application.
4. The applicant informed the Chamber, in his letter received on 19 November 1999, that he wants to continue with the proceedings before the Human Rights Ombudsman of Bosnia and Herzegovina, and not 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 t he ground that (a) the applicant does not intend to pursue his application; ... provided that such a result is consistent with the objective of respect for human rights."
6. The Chamber notes that the applicant has stated in his letter that he wishes to withdraw his application before the Chamber and continue with his application before the Human Rights Ombudsman of Bosnia and Herzegovina. 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)(a) of the Agreement.

## **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