



DECISION TO STRIKE OUT

Case no. CH/98/1341

Rasim SILAJDŽIĆ

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 5 July 2002 with the following members present:

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

Mr. Ulrich GARMS, 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)(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 9 December 1998. The applicant complained of his inability to register his purchase contract of 14 December 1992 of an apartment, located at Džemala Bijedića 38 in Sarajevo, before the competent court.

2. On 13 June 2000 the Chamber asked the applicant to inform the Chamber about the current status of his case before the domestic court. On 26 June 2000 the applicant informed the Chamber that the Municipal Court I in Sarajevo recognised his contract of purchase in order to be able to register as the owner of the apartment. The applicant had not yet received any answer to his request to be registered as the owner.

3. On 7 November 2001 the applicant informed the Chamber that he has been registered as the owner of the apartment on 5 November 2001 by the Registry pursuant to a procedural decision of the Municipal Court I of Sarajevo. The applicant in his letter also informed the Chamber that he “accordingly, considers that there is no need to represent us any more”.

II. OPINION OF THE CHAMBER

4. 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.”

5. Considering that the applicant has been registered as the owner of the apartment and that he has informed the Chamber that he does not intend to pursue his application, 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 that require the examination of the application to be continued. The Chamber therefore decides to strike out the application.

III. CONCLUSION

6. For these reasons, the Chamber, unanimously,

STRIKES OUT THE APPLICATION.

(signed)
Ulrich GARMS
Registrar

(signed)
Michèle PICARD
President of the First Panel