



DECISION TO STRIKE OUT

Case nos. CH/98/1357 and CH/99/1507

Milan STANIĆ and Razija MEHANIĆ

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 2 April 2003 with the following members present:

Ms. Michèle PICARD, President
Mr. Miodrag PAJIĆ, Vice-President
Mr. Dietrich RAUSCHNING
Mr. Hasan BALIĆ
Mr. Rona AYBAY
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 applications 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 34, 49(2) and 52 of the Chamber’s Rules of Procedure:

I. INTRODUCTION

A. CH/98/1357 Milan STANIĆ

1. The application was introduced on 14 December 1998 and registered on the same day.
2. The case concerns the applicant's attempts to register his ownership over his apartment, located at ulica Grbavička 8A in Sarajevo, the Federation of Bosnia and Herzegovina, which he purchased from the former JNA (Yugoslav National Army) Housing Fund on 12 February 1992.
3. On 26 September and 11 December 2002, the Chamber sent letters, via registered mail, to the applicant requesting him to inform the Chamber as to any development in the case. The letters cautioned the applicant that if he did not respond, the Chamber might decide to strike out his application. According to the signed registered return receipts, the applicant received both letters.
4. On 27 February 2003, the applicant informed the Chamber that he had registered his ownership over the apartment in question on 14 December 2000, and that he considers that the matter has been resolved.

B. CH/99/1507 Razija MEHANIĆ

5. The application was introduced on 1 February 1999 and registered on 3 February 1999.
6. The case concerns the applicant's attempts to regain possession and to register the ownership over her apartment, located at ulica Grbavička 8 in Sarajevo, the Federation of Bosnia and Herzegovina, which she purchased from the former JNA Housing Fund on 26 March 1992.
7. On 28 October 2002, the applicant informed the Chamber that she had succeeded in registering her ownership over the apartment in question on 21 March 2002.
8. On 31 October and 11 December 2002, the Chamber sent letters, via registered mail, to the applicant requesting her to inform the Chamber if she wished to continue proceedings before the Chamber. The letters cautioned the applicant that if she did not respond to it, the Chamber might decide to strike out her application. The Chamber received the signed registered return receipts, but the applicant did not respond.

II. OPINION OF THE CHAMBER

9. Considering the similarity between the facts of the cases and the complaints of the applicants, the Chamber decided to join the present applicants in accordance with Rule 34 of the Chamber's Rules of Procedure on the same day it adopted the present decision.
10. 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."
11. Considering that the applicants have informed the Chamber that they have succeeded in being registered as owner over their respective apartments, the Chamber finds that the matters raised in the applications have been resolved. Furthermore, the Chamber finds no special circumstances regarding respect for human rights which require the examination of the applications to be continued. The Chamber therefore decides to strike out the applications, pursuant to Article VIII(3)(b) of the Agreement.

III. CONCLUSION

12. For these reasons, the Chamber, unanimously,

**JOINS THE APPLICATIONS and
STRIKES OUT THE APPLICATIONS.**

(signed)
Ulrich GARMS
Registrar of the Chamber

(signed)
Michèle PICARD
President of the First Panel