



## **DECISION TO STRIKE OUT**

**Case no. CH/98/1361**

**M.K.**

**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 7 November 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 15 December 1998.
2. The applicant complained of his inability to be recognised and registered as the owner over an apartment located at Lenjinova no. 8 – A/36, in Sarajevo.
3. The applicant stated that the respondent Parties enacted laws which retroactively annulled all contracts on the purchase of apartments from the former Yugoslav National Army (“JNA”). The applicant concluded such a purchase contract on 13 February 1992. The relevant legislation was subsequently amended so as to allow the registration of ownership over the apartments purchased from the JNA.
4. On 18 October 2002, the applicant informed the Chamber that he was registered in the public registries as the owner of the apartment in question, and that in that respect, he had resolved this legal matter in his favour.

**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 the ground that... (b) the matter has been resolved;... provided that such result is consistent with objective of respect for human rights”.
6. Considering that the applicant has been registered as the owner over the apartment in question, Chamber finds that the matter raised in the application has been resolved. 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.

**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