



DECISION TO STRIKE OUT

Case No. CH/98/246

Dragutin JOVIĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 11 October 2002 with the following members present:

Mr. Viktor MASENKO-MAVI, Acting President
Mr. Jakob MÖLLER
Mr. Mehmed DEKOVIĆ
Mr. Vitomir POPOVIĆ
Mr. Mato TADIĆ

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 24 January 1998 and directed against Bosnia and Herzegovina. The applicant complained that the respondent Parties enacted laws which retroactively annulled all contracts on the purchase of apartments from the former Yugoslav National Army. The applicant concluded such a contract on 3 April 1992.
2. On 8 September 2001 the Chamber decided to strike out the applicant insofar as it was directed against Bosnia and Herzegovina.
3. On 25 June 1998 the Chamber transmitted the application to the Federation of Bosnia and Herzegovina as the respondent Party for observations on the admissibility and merits. The respondent Party submitted its observations on 28 August 1998.
4. On 19 June 2001 the Chamber sent the applicant's representative a letter by registered mail asking whether the applicant had succeeded in registering his ownership of the apartment located in ulica Muhameda Fizovića 11 in Tuzla. In his letter submitted on 29 June 2001, the applicant's representative informed the Chamber that the applicant had been registered as owner of the apartment.

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 a result is consistent with the objective of respect for human rights."
6. Considering that the applicant has been registered as the owner of the apartment in question, 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 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)
Viktor MASENKO-MAVI
Acting President of the Second Panel