



DECISION TO STRIKE OUT

Case no. CH/98/258

Nikola GALIĆ

against

**BOSNIA AND HERZEGOVINA
and
THE FEDERATION OF BOSNIA AND HERZEGOVINA**

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 7 September 2002 with the following members present:

Mr. Giovanni GRASSO, 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) and (c) of the Agreement as well as Rules 49(2) and 52 of the Chamber's Rules of Procedure:

I. INTRODUCTION

1. The application was introduced on 30 January 1998. The applicant complains that the respondent Party enacted laws which retroactively annulled all contracts on the purchase of apartments from the former Yugoslav National Army (the "JNA"). The applicant concluded such a contract on 14 February 1992. The relevant legislation was subsequently amended so as to allow the registration of ownership over apartments purchased from JNA.

2. On 22 November 2001 the respondent Party submitted to the Chamber evidence according to which the applicant on 1 November 2000 received permission for the registration of the ownership right over the apartment in Sarajevo, ulica Patriotske lige 38.

3. On 22 January 2002 the Chamber sent the documents received from the respondent Party to the applicant with a request that he state within fifteen days whether he wanted to continue with the application before the Chamber, as it seemed that the matter of the application had been resolved. In the letter the Chamber specifically warned the applicant that a failure to respond could result that his application being struck out. No answer was received. The Chamber received confirmation of the recorded delivery that on 25 January 2002 the applicant had received the Chamber's letter of 22 January 2002.

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; or (c) for any other reason established by the Chamber, it is no longer justified to continue the examination of the application; provided that such a result is consistent with the objective of respect for human rights."

5. The Chamber notes that the applicant lodged his application with a view to registration of the ownership right over the apartment in Sarajevo, ulica Patriotske lige 38 and while the case was still pending before the Chamber, he received permission for the registration of the ownership right over the apartment in question.

6. The Chamber notes that on 2 November 2000 the applicant received the permission for the registration of the ownership right over the apartment in question. That being so, the Chamber considers that the main issue raised in the application has been resolved. The applicant has not replied to the Chamber's letter and he has not drawn the Chamber's attention to any special circumstances regarding the respect for human rights which would require the examination of the application to be continued after the main issue raised in the application has been resolved, and the Chamber considers that no such special circumstances are present in this application. The Chamber, therefore, decides to strike out the application, pursuant to Article VIII(3) of the Agreement.

III. CONCLUSION

7. For these reasons, the Chamber, unanimously,

STRIKES OUT THE APPLICATION

(signed)
Ulrich GARMS
Registrar of the Chamber

(signed)
Giovanni GRASSO
President of the Second Panel