



DECISION TO STRIKE OUT

Case no. CH/98/296

Vlatko NIKEŠIĆ

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 8 November 2002 with the following members present:

Mr. Giovanni GRASSO, President
Mr. Viktor MASENKO-MAVI, Vice-President
Mr. Jakob MÖLLER
Mr. Mehmed DEKOVIĆ
Mr. Manfred NOWAK
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 case concerns the applicant's attempts to gain recognition and verification of a purchase contract concluded on 3 April 1992 with the former Yugoslav National Army ("JNA") and registration of ownership over the purchased apartment in the Land Registry Books. The applicant further sought repossession of the purchased apartment, located at ul. Dr. Ivana Ribara no. 13 in Tuzla, the Federation of Bosnia and Herzegovina (the "apartment"), which was his pre-war home.

II. PROCEEDINGS BEFORE THE CHAMBER

2. The application was introduced on 6 February 1998 and registered on 10 April 1998. The applicant alleged that his human rights had been violated because he was not able to verify the contract and register his ownership, and repossess the apartment in question.

3. On 25 February 2000 the Chamber transmitted the application to the respondent Parties for their observations on the admissibility and merits under Article 6 of the European Convention on Human Rights (the "Convention") and Article 1 of Protocol No. 1 to the Convention.

4. On 21 April 2000 Bosnia and Herzegovina submitted its observations. On 25 April 2000 the Federation of Bosnia and Herzegovina submitted its observations. On 14 June 2000 the applicant submitted his reply observations to Chamber. On 27 July 2000 the Federation of Bosnia and Herzegovina submitted its observations upon the applicant's compensation claim.

5. On 5 March 2002 the Federation of Bosnia and Herzegovina provided information to the Chamber that the applicant had obtained an order to be registered as the owner of the apartment.

6. On 17 May 2002 and 18 September 2002, the Chamber communicated the observations to the applicant for his comments. The applicant was requested to submit information on whether he has been reinstated and registered as the owner over the apartment and if so, in addition, to state whether he wished to pursue the case before the Chamber.

7. On 4 October 2002 the applicant submitted a letter informing the Chamber that he achieved all his rights regarding the apartment and he therefore considers his case completed.

III. OPINION OF THE CHAMBER

8. 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."

9. Considering that the applicant has obtained repossession of the apartment in question, as well as verification of the purchase contract and registration of his ownership over the apartment, the Chamber finds that the matters raised in the application have 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.

IV. CONCLUSION

10. 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