



DECISION TO STRIKE OUT

Case no. CH/98/330

Predrag STEFANOVIĆ

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 5 July 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. 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 11 February 1998.
2. The applicant complained of his inability to be recognised and registered as the owner over an apartment located at Podgaj no. 13/IV in Sarajevo.
3. The applicant stated that the responded Parties enacted laws which retroactively annulled all contracts on the purchase of apartments from the former JNA. The applicant concluded such a purchase contract on 12 February 1992. The relevant legislation was subsequently amended so as to allow the registration of ownership over the apartments purchased from JNA.
4. On 23 January 2002 the responded Party submitted written observations informing the Chamber that the attorney issued an order for the registration of the ownership right over the apartment in question in favour of the applicant.
5. On 15 May 2002 the Chamber sent a letter to the applicant asking him whether he had succeeded in registering his ownership of the disputed apartment. M. S., the applicant's wife informed the Chamber that her husband has died. M. S. also confirmed that the applicant was registered in the public Registries as the owner over the apartment in question.

II OPINION OF THE CHAMBER

6. 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".
7. Considering that the applicant was 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, finds it appropriate to strike out the application.

III CONCLUSION

8. For these reasons, the Chamber unanimously,

STRIKES THE APPLICATION OUT.

(signed)
Ulrich GARMS
Registrar of the Chamber

(signed)
Giovanni GRASSO
President of the Second Panel

