



DECISION TO STRIKE OUT

Case no. CH/98/360

Mirsad MUJIĆ

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 13 October 2000 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. Peter KEMPEES, 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)(a) and (b) of the Agreement as well as Rules 49(2) and 52 of the Chamber’s Rules of Procedure:

I. FACTS

1. The applicant has a completed sales contract for a JNA apartment at Skojevska 53 in Tuzla dated 4 March 1992. The applicant completed payment of 537.534.00 dinars for the apartment on or around 8 June 1992. The applicant's right to possession of his apartment was annulled by the BiH Assembly Decree of 22 December 1995 that provided, inter alia, that contracts concluded on the basis of the Law on Securing Housing for JNA were invalid.
2. The applicant wrote to Carl Bildt requesting his intervention. The applicant never instituted domestic court proceedings to regain his property rights under the contract.
3. According to the applicant's letter received by the Registry on 12 May 2000 the respondent Party has recognised the applicant's contract on the purchase of the apartment. Based on the contract he has been registered as the owner.

II. COMPLAINTS

4. The applicant requested that the Chamber issue a decision regarding the right to return of his property so that he could register it in the land book. Though, the applicant did not allege specific violations he appears to be asserting a claim under Article 1 of Protocol No 1 to the European Convention for Human Rights and Article 8 of the Convention.

III. PROCEEDINGS BEFORE THE CHAMBER

5. The application was submitted on 16 February 1998 and registered on 10 April 1998.
6. On 12 May 2000 the applicant submitted a letter by which he withdrew his application. He stated that his right to possession of his apartment has been recognised by the respondent Parties and he has been registered as the owner of the apartment.

IV. OPINION OF THE CHAMBER

7. According to Article VIII(3) of the Agreement, the Chamber may at any point decide to strike out an application on the ground that (a) the applicant does not intend to pursue his application; (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 case. In all these situations, however, a decision to strike out an application must be consistent with the objective of respect for human rights.

8. In the present case the Chamber notes that the applicant has registered his apartment and now withdraws the application. In these circumstances and considering that the underlying matter has been resolved, the Chamber finds, pursuant to Article VIII(3)(a) and (b) of the Agreement, that it is no longer justified to continue the examination of the present case. Nor would such an outcome be inconsistent with the objective of respect for human rights.

V. CONCLUSION

9. For these reasons, the Chamber unanimously,

STRIKES OUT THE APPLICATION.

(signed)
Peter KEMPEES
Registrar of the Chamber

(signed)
Giovanni GRASSO
President of the Second Panel