



DECISION TO STRIKE OUT

Case no. CH/98/511

Suljo TABAKOVIĆ

against

BOSNIA AND HERZEGOVINA

and

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 5 December 2001 with the following members present:

Ms. Michèle PICARD, President
Mr. Dietrich RAUSCHNING, Vice-President
Mr. Hasan BALIĆ
Mr. Rona AYBAY
Mr. Želimir JUKA
Mr. Miodrag PAJIĆ
Mr. Andrew GROTRIAN

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) of the Agreement as well as Rule 52 of the Chamber's Rules of Procedure:

I. INTRODUCTION

1. The application was introduced on 9 April 1998. The applicant complains that the respondent Parties enacted laws which retroactively annulled all contracts on purchase of apartments from the former JNA. The applicant's late husband concluded such a contract on 28 February 1992.
2. On 13 October 2000 the respondent Party submitted to the Chamber evidence according to which the Municipal Court in Sarajevo registered the applicant in the book of the registered contracts as the owner of the apartment in Sarajevo, Čekaluša 21.
3. On 22 November 2000 the Chamber sent the documents received from the respondent Party to the applicant with a request to state within fifteen days whether he wanted to continue with the application before the Chamber, as it seems that the matter of the application has been resolved. No answer was received.

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; ... provided that such a result is consistent with the objective of respect for human rights."
5. Considering that the applicant was 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 finds it appropriate to strike out the application.

III. CONCLUSION

6. For these reasons, the Chamber, unanimously,

STRIKES OUT THE APPLICATION.

(signed)
Ulrich GARMS
Registrar of the Chamber

(signed)
Michèle PICARD
President of the First Panel