



## **DECISION TO STRIKE OUT**

**Case no. CH/98/680**

**Mubera KEKIĆ**

**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 10 January 2003 with the following members present:

Mr. Mato TADIĆ, President  
Mr. Jakob MÖLLER  
Mr. Mehmed DEKOVIĆ  
Mr. Manfred NOWAK  
Mr. Vitomir POPOVIĆ  
Mr. Viktor MASENKO-MAVI

Mr. Ulrich GARMS, Registrar  
Ms. Olga KAPIĆ, Deputy Registrar  
Ms. Antonia DE MEO, 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 8 June 1998.
2. The applicant complains that the respondent Parties enacted laws which retroactively annulled all contracts on the purchase of apartments from the former Yugoslav National Army ("JNA"). The applicant concluded such a contract on 4 March 1992. The relevant legislation was subsequently amended so as to allow the registration of ownership over apartments purchased from the JNA.
3. On 22 April 1999, the Chamber transmitted the application to the respondent Parties for their observations on the admissibility and merits under Articles 6 of the European Convention on Human Rights (the "Convention") and Article 1 of Protocol No. 1 to the Convention.
4. On 23 January 2002, the Federation of Bosnia and Herzegovina submitted its observations, stating that the applicant has been registered as the owner over the apartment in dispute, located in Tuzla at ulica Nedima Filipovića 15.
5. On 31 January 2002, the Chamber sent the applicant a letter by registered mail asking whether she had succeeded in registering her ownership of the disputed apartment. This letter specifically warned the applicant that if she did not respond to it, the Chamber might decide to strike out her application. According to the signed delivery receipt, the applicant received this letter on 2 February 2002. However, the Chamber has not received any answer from the applicant, and the deadline set for her answer has expired.

## **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 a result is consistent with the objective of respect for human rights."
7. Considering that it appears that the applicant has been registered as the owner over the apartment in question and that she has not replied to the letter from the Chamber, 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 decides to strike out the application.

## **III. CONCLUSION**

8. For these reasons, the Chamber unanimously,

**STRIKES OUT THE APPLICATION.**

(signed)  
Ulrich GARMS  
Registrar of the Chamber

(signed)  
Mato TADIĆ  
President of the Second Panel