



DECISION TO STRIKE OUT

Case no. CH/98/738

Miroslav KUDUMIJA

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) of the Agreement and Rules 49(2) and 52 of the Chamber's Rules of Procedure:

I. FACTS

1. On 3 March 1992 the applicant concluded a contract with the housing fund of the Yugoslav National Army (JNA) for the purchase of a JNA apartment. He paid the full price on 12 March 1992. Around the same time, the courts ceased verifying the purchase of such apartments and effectively prevented the applicant from completing his purchase. On 22 December 1995 the Presidency of the Republic of Bosnia and Herzegovina issued a decree with force of law providing, *inter alia*, that contracts concluded on the basis of the Law on Securing Housing for the JNA were invalid.
2. On 8 November 1994 the applicant initiated proceedings before the First Instance Court II in Sarajevo.
3. According to the applicant's letter to the Chamber of 27 June 2000, the applicant has resolved the question of ownership of his apartment by obtaining a procedural decision in his favour from the Court.

II. COMPLAINTS

4. The applicant alleged that his rights under Article 6 of the European Convention of Human Rights and Article 1 of Protocol No. 1 to the Convention had been violated.

III. PROCEEDINGS BEFORE THE CHAMBER

5. The application was submitted to the Chamber on 2 July 1998 and registered on that same day.
6. In his letter of 27 June 2000 the applicant stated that he has resolved the issue of ownership over his apartment and wished to withdraw his application.

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. The Chamber notes that the applicant has registered ownership of his apartment and that he wishes to withdraw 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. Moreover, such an outcome would not 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