



DECISION TO STRIKE OUT

Case no. CH/98/742

Stjepan ZIDAR

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 8 November 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. Vitomir POPOVIĆ
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 Article VIII(3)(b) of the Agreement and Rules 49(2) and 52 of the Chamber's Rules of Procedure:

I. INTRODUCTION

1. The case concerns the applicant's attempts to register himself as the legal owner of an apartment of the former Yugoslav National Army ("JNA") located at Patriotske lige 50/X in Sarajevo, the Federation of Bosnia and Herzegovina.

2. The applicant alleged that he purchased this apartment on 14 February 1992. The applicant alleged that he could not register himself as owner of the apartment. On 24 July 2002 the Chamber invited the applicant to inform it if he had been registered as legal owner of the apartment. On 5 August 2002 the applicant's son, Zlatko Zidar, informed the Chamber in writing that the Municipal Court I in Sarajevo on 14 August 2000 had registered Stepjan Zidar as the lawful owner of the apartment. Zlatko Zidar also informed the Chamber that his father had died on 19 November 2001, and that he was the designated heir of the apartment in question. Zlatko Zidar requested that the Chamber not issue a decision until the inheritance procedure for the apartment is completely resolved.

II. OPINION OF THE CHAMBER

3. 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."

4. The Chamber notes that the applicant is deceased, and that his son, as inheritor of the apartment, has requested the Chamber to maintain his father's application until such time when the inheritance procedure regarding the apartment is finalised. However, as Stjepan Zidar has been registered as the lawful owner of the apartment, the Chamber considers that the main issue raised in the application has been resolved. The inheritance procedure was not the subject of the application. 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 pursuant to Article VIII(3)(b) of the Agreement.

III. CONCLUSION

5. For these reasons, the Chamber, unanimously,

STRIKES OUT THE APPLICATION.

(signed)
Ulrich GARMS
Registrar of the Chamber

(signed)
Giovanni GRASSO
President of the Second Panel