



DECISION TO STRIKE OUT

Case no. CH/98/768

Z. S.

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 6 March 2003 with the following members present:

Mr. Mato TADIĆ, President
Mr. Jakob MÖLLER
Mr. Mehmed DEKOVIĆ
Mr. Giovanni GRASSO
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 as well as Rules 49 and 52 of the Chamber's Rules of Procedure:

I. INTRODUCTION

1. This case concerns the applicant's attempts to regain possession of his pre-war apartment, located at Merhemića Trg, Sarajevo.
2. The applicant initiated proceedings for repossession of the apartment before the competent administrative organ in 1996. In accordance with the Law on Cessation of Application of the Law on Abandoned Apartments, the applicant again submitted a request for repossession of his pre-war apartment to the Administration of Housing Affairs (the "Administration") on 16 June 1998.
3. On 6 June 2000, the applicant finally regained possession of his pre-war apartment, and thereafter, he concluded a contract on purchase of the apartment.

II. PROCEEDINGS BEFORE THE CHAMBER

4. The application was introduced to the Chamber on 14 July 1998 and registered on the same day.
5. The applicant complains that his rights protected under Articles 8 and 13 of the European Convention on Human Rights ("the Convention") and Article 1 of Protocol No. 1 to the Convention have been violated.
6. On 28 December 1998, the case was transmitted to the respondent Party for its observations on the admissibility and merits. On 26 February 1999, the respondent Party submitted its observations.
7. On 5 April 1999, the applicant submitted a request for compensation.
8. On 26 July 2000, the applicant informed the Chamber that he had regained possession of his apartment on 6 June 2000, but he stated that he still wanted to continue with the proceedings before the Chamber because the procedural decision entitling him to repossession had not become valid at that time.
9. On 8 January 2003, the applicant informed the Chamber that he had concluded a contract on purchase of the apartment in question.

III. OPINION OF THE CHAMBER

10. 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."
11. Considering that the applicant reposessed his pre-war apartment and concluded a contract on purchase of the apartment in question, which means that proceedings regarding repossession have been validly concluded, 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.

IV. CONCLUSION

12. 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