



DECISION TO STRIKE OUT

Case no. CH/98/930

Drago BABIĆ

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 7 September 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 the date unknown to the Chamber. 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 2 September 2002, the Federation of Bosnia and Herzegovina submitted its observations, stating that the applicant received permission for the registration of the ownership right over the apartment in dispute located in Sarajevo at ulica Hasana Brkića 38.
5. On 9 September 2002 the Chamber sent the applicant a letter by registered mail asking whether he had succeeded in registering his ownership of the disputed apartment. This letter specifically warned the applicant that if he did not respond to it, the Chamber might decide to strike out his application. According to the signed delivery receipt, the applicant received this letter on 12 September 2002. However, the Chamber has not received any answer from the applicant, and the deadline set for his 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 received permission for the registration of the ownership right over the apartment and that he 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