



DECISION TO STRIKE OUT

Case no. CH/99/1446

Meho MRŠEVIĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 4 April 2000 with the following members present:

Mr. Giovanni GRASSO, President
Mr. Viktor MAŠENKO-MAVI, Vice-President
Mr. Jakob MÖLLER
Mr. Mehmed DEKOVIĆ
Mr. Manfred NOWAK
Mr. Mato TADIĆ

Mr. Anders MÅNSSON, 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. The applicant is a citizen of Bosnia and Herzegovina. On 14 February 1992 he entered into a purchase contract for an apartment in Zagrebačka Str. No. 77/III in Sarajevo over which he held an occupancy right from the Yugoslav National Army. The applicant had paid the full purchase price by that date.

II. COMPLAINTS

2. The applicant complains that he is not able to register as the owner of the apartment.

III. PROCEEDINGS

3. The application was introduced to the Chamber on 25 January 1999 and registered on the same day.

4. On 24 March 1998 the applicant had already introduced an application concerning the same matter to the Office of the Human Rights Ombudsperson for Bosnia and Herzegovina. It was registered on 2 February 1999 under application no. 2669/98.

5. On 14 December 1999 the Chamber and the Ombudsperson sent a joint letter to the applicant, stating that it was not possible for both institutions to deal with his case and inviting him to submit, within four weeks, a written statement as to whether he wished the Chamber or the Ombudsperson to process the case.

6. On 14 January 1999 the Office of the Ombudsperson received an answer from the applicant stating that he wished to pursue his case before that institution.

IV. OPINION OF THE CHAMBER

7. Under Article VIII(3) of the Agreement, the Chamber may at any point decide to strike out an application if the applicant does not intend to pursue it or, for any other reason established by the Chamber, it is no longer justified to continue the examination of the application. 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 expressed the wish that the Office of the Ombudsperson continues with the examination of his case.

9. In these circumstances, the Chamber considers that it is no longer justified that it continue the examination of the application. Moreover, such an outcome would not be inconsistent with the objective of respect for human rights.

V. CONCLUSION

10. For these reasons, the Chamber, unanimously,

STRIKES OUT THE APPLICATION.

(signed)
Anders MÅNSSON
Registrar of the Chamber

(signed)
Giovanni GRASSO
President of the Second Panel