



DECISION TO STRIKE OUT

Case no. CH/99/1536

Džemal IKANOVIĆ

against

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 MAŠENKO-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(2)(c) of the Agreement and Rule 52 of the Chamber’s Rules of Procedure:

I. FACTS

1. The applicant is a citizen of Bosnia and Herzegovina. On 3 April 1992 he completed a contract to purchase his apartment from the Yugoslav National Army, located at Aleja Bos. Vladara (formerly Ulica Oktobarske revolucije) 20 in Tuzla. When he attempted to have the relevant court in Tuzla register him as the owner of the apartment, the court refused to do so (the applicant did not inform the Chamber of the specifics of these attempts).

2. The applicant asked for assistance from the Office of the High Representative in Tuzla. It does not appear there was any reply to his request. However, on 26 June 2000, the applicant informed the Chamber that he had succeeded at being registered as the owner.

II. COMPLAINT

3. The applicant complained of the failure to of the respondent Party to register him as the owner of the apartment.

III. PROCEEDINGS BEFORE THE CHAMBER

4. The application was received on 5 February 1999 and registered on the following day.

5. On 26 June 2000 the Chamber received a letter from the applicant saying that he had been registered as the owner of the apartment and therefore no longer wished to pursue his case.

IV. OPINION OF THE CHAMBER

6. 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 her 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.

7. In this case the applicant has informed the Chamber that he has been registered as the owner of the apartment in question. Accordingly, the Chamber concludes that the underlying matter has been resolved. Also, the applicant has expressed that he no longer wishes to pursue his case. In these circumstances it is no longer justified to continue the examination of the case. Moreover, such an outcome would not be inconsistent with the objective of respect for human rights.

V. CONCLUSION

8. 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