



DECISION TO STRIKE OUT

Case no. CH/99/1564

Adam PŠUNDER

against

THE FEDERATION OF 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(3) 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. He was the occupancy right holder over an apartment located at Ulica Zagrebačka 57 B/VI (formerly Ulica Grbavička) in Sarajevo. On 11 February 1992 he completed a contract to purchase the apartment from the Yugoslav National Army ("JNA"). However, he was unable to be registered as the owner of the apartment because the decree of the Socialist Republic of Bosnia and Herzegovina of 15 February 1992 postponed all such proceedings.

2. To rectify this problem, the applicant solicited the assistance of the Helsinki Commission for Human Rights and the Ombudsperson for Bosnia and Herzegovina. It does not appear that these efforts resulted in his being registered as the owner of the apartment.

3. On 22 July 2000 the Chamber received a letter from the applicant stating that he was registered as the owner of the apartment on 8 November 1999.

II. COMPLAINTS

4. The applicant complained that the decree which annulled his purchase contract, and which therefore made it impossible for him to be registered as the owner of the apartment, violated his right to property under Article 1 of Protocol No. 1 to the European Convention on Human Rights.

III. PROCEEDINGS BEFORE THE CHAMBER

5. The application was introduced and registered on 12 February 1999.

6. On 22 July 2000 the Chamber received a letter from the applicant stating that he had been registered as the owner of the apartment and that he no longer wished to pursue his application.

IV. OPINION OF THE CHAMBER

7. 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.

8. The applicant has informed the Chamber that he has been registered as the owner of the apartment. Accordingly, the Chamber concludes that the underlying matter has been resolved. Also, he has stated that he does not intend 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

9. 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