



DECISION TO STRIKE OUT

Case no. CH/99/2174

Maksuma RAKANVIĆ

against

BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 4 April 2003 with the following members present:

Mr. Mato TADIĆ, President
Mr. Jakob MÖLLER
Mr. Mehmed DEKOVIĆ
Mr. Vitomir POPOVIĆ

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 Article VIII(3)(a) of the Agreement and Rules 49(2) and 52 of the Chamber’s Rules of Procedure:

I. INTRODUCTION

1. The application was introduced on 14 May 1999 and registered on the same day.
2. The applicant complains that the respondent Party enacted laws that retroactively annulled all contracts on purchase of apartments from the former Yugoslav National Army ("JNA"). The applicant concluded such a contract on 12 February 1992. The relevant legislation was subsequently amended so as to allow the registration of ownership over apartments purchased from the former JNA.
3. On 23 May 2002, the applicant informed the Chamber that she succeeded to be registered as the owner over the apartment in question, located at Ulica Grbavička no. 58, in Sarajevo. She further stated that she wishes to withdraw her application.

II. OPINION OF THE CHAMBER

4. 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 (a) the applicant does not intend to pursue his application; ... provided that such a result is consistent with the objective of respect for human rights."
5. The Chamber notes that the applicant lodged her application with a view to registering herself as owner over her apartment, and while the case was still pending before the Chamber, she succeeded in doing so. The Chamber also notes that the applicant stated in her correspondence that she wishes to withdraw her application. 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, pursuant to Article VIII(3)(a) of the Agreement.

III. CONCLUSION

6. 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