



DECISION TO STRIKE OUT

Case no. CH/99/2196

Dužanka BIRG

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 13 October 2000 with the following members present:

Mr. Giovanni GRASSO, President
Mr. Viktor MASENKO-MAVI, Vice-President
Mr. Jakob MÖLLER
Mr. Mehmed DEKOVIĆ
Mr. Manfred NOWAK
Mr. Vitimir 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 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 7 February 1992 she concluded a written contract with the Federal Secretariat for National Defence of the Socialist Federal Republic of Yugoslavia for purchase of an apartment located at Ulica Zagrenačka br. 19 in Sarajevo. She had paid the full amount for the purchase of the apartment on 21 January 1992.

2. On 1 May 1992 the applicant left Sarajevo to reside in Switzerland during the war. The contract for purchase of the apartment the applicant had concluded with the JNA was retroactively annulled by the decree with legal force passed on 22 December 1995 by the Presidency of Republic of Bosnia and Herzegovina. On 24 September 1996 the General Staff of the Army of the Republic of Bosnia and Herzegovina declared the apartment abandoned.

3. The applicant returned to Sarajevo in November 1996 and attempted to quash the annulment of her purchase contract and to be reinstated in her occupancy right over the apartment. On 30 May 2000 the applicant informed the Chamber that she had entered into possession of her apartment. She did not state the date that she had done so.

II. COMPLAINT

4. The applicant complains of violations of her right to property as protected by Article 1 of Protocol No. 1 to the European Convention on Human Rights.

III. PROCEEDINGS BEFORE THE CHAMBER

5. The application was introduced to the Chamber on 19 May 1999 and registered on 24 May 1999.

6. On 30 May 2000 the Chamber received a letter from the applicant stating that she had been reinstated into possession of her apartment.

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 the matter has been resolved. However, a decision to strike out an application must be consistent with the objective of respect for human rights.

8. The applicant has notified the Chamber that she has entered into possession of her apartment. Accordingly, the Chamber finds that the underlying matter of the application has been resolved. In these circumstances it is no longer justified to continue the examination of the application. 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