



DECISION TO STRIKE OUT

Case no. CH/99/2257

Safet BALUKOVIĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 11 October 2002 with the following members present:

Ms. Michèle PICARD, President
Mr. Dietrich RAUSCHNING
Mr. Hasan BALIĆ
Mr. Želimir JUKA
Mr. Miodrag PAJIĆ
Mr. Andrew GROTRIAN

Mr. Ulrich GARMS, 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 Article VIII(3)(a) of the Agreement and Rules 49(2) and 52 of the Chamber's Rules of Procedure:

I. INTRODUCTION

1. The case concerns the applicant's attempts to register himself as the legal owner of an apartment of the Yugoslav National Army ("JNA") located at Grbavička Street No. 6A/IX in Sarajevo, Federation of Bosnia and Herzegovina.
2. The applicant alleges that he purchased this apartment on 14 February 1992 and paid the purchase price due on the same day. The applicant alleges that he can not register himself as owner of the apartment as he does not possess a copy of the purchase contract. The applicant has occupied the apartment in question throughout the proceedings.

II. PROCEEDINGS BEFORE THE CHAMBER

3. The application was introduced before the Human Rights Ombudsman for Bosnia and Herzegovina on 13 October 1997. By a letter of 12 May 1999, the Ombudsman referred the case to the Chamber according to Article V paragraph 5 of the Agreement.
4. On 11 July 2000, the Chamber transmitted the application to the respondent Party for its observations on the admissibility and merits under Articles 6 and 13 of the European Convention on Human Rights (the "Convention") and Article 1 of Protocol No. 1 to the Convention.
5. On 8 February 2001, the respondent Party provided information to the Chamber that the applicant had succeeded in being registered as the lawful owner of the apartment in question.
6. On 20 March 2001 the Chamber invited the applicant to confirm whether his case had been resolved. The applicant responded on 9 April 2001, confirming that his case had been resolved and informing the Chamber that he wished to terminate the proceedings before the Chamber.

III. OPINION OF THE CHAMBER

7. 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."
8. The Chamber notes that the applicant has informed it that he does not intend to pursue his application. The Chamber also notes that the applicant has succeeded in being registered as the lawful owner of his apartment. That being so, the Chamber considers that the main issue raised in the application has been resolved. 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) of the Agreement.

IV. CONCLUSION

9. For these reasons, the Chamber, unanimously,

STRIKES OUT THE APPLICATION.

(signed)
Ulrich GARMS
Registrar of the Chamber

(signed)
Michèle PICARD
President of the First Panel