



DECISION TO STRIKE OUT

Case no. CH/99/1463

Zora JOVANDIĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 6 April 2000 with the following members present:

Mr. Andrew GROTRIAN, Acting President
Mr. Dietrich RAUSCHNING
Mr. Hasan BALIĆ
Mr. Rona AYBAY
Mr. Želimir JUKA
Mr. Miodrag PAJIĆ

Mr. Anders MÅNSSON, 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 49(2) and 52 of the Chamber’s Rules of Procedure:

I. FACTS

1. The applicant is a citizen of Bosnia and Herzegovina. Starting in 1966 she and her husband lived in an apartment of the Yugoslav National Army ("JNA"). When her husband died in 1981, the applicant inherited the occupancy right over the apartment.
2. In March 1992 the applicant completed a contract to purchase the apartment from the JNA and paid the full purchase price for it. Shortly after the war in Bosnia and Herzegovina, a law was passed which canceled the applicant's contract.

II. COMPLAINTS

3. The applicant complains that the cancellation of her purchase contract is a violation of the right to respect for her home and her right to ownership of her property.

III. PROCEEDINGS

4. The application was introduced to and registered with the Chamber on 25 January 1999.
5. On 7 September 1998 the applicant introduced an application concerning the same matter to the Office of the Human Rights Ombudsperson for Bosnia and Herzegovina. It was registered on 17 November 1998 under application no. 2451/98.
6. On 6 December 1999 the Chamber and the Ombudsperson sent a joint letter by registered mail to the applicant, stating that it was not possible for both institutions to deal with her case and inviting her to submit, within four weeks, a written statement as to whether she wished the Chamber or the Ombudsperson to process the case. The applicant was informed that failure to respond would lead the Chamber to strike the application out of its list of cases.
7. No response has been received from the applicant.

IV. OPINION OF THE CHAMBER

8. Under Article VIII(3) of the Agreement, the Chamber may at any point decide to strike out an application if the applicant does not intend to pursue it or, for any other reason established by the Chamber, it is no longer justified to continue the examination of the application. However, a decision to strike out an application must be consistent with the objective of respect for human rights.
9. The Chamber notes that the applicant has failed to respond to the letter of 6 December 1999, although she was informed that such failure would lead to her application being struck out.
10. In these circumstances, the Chamber considers that 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

11. For these reasons, the Chamber, unanimously,

STRIKES OUT THE APPLICATION.

(signed)
Anders MÅNSSON
Registrar of the Chamber

(signed)
Andrew GROTRIAN
Acting President of the First Panel