



DECISION TO STRIKE OUT

Case no. CH/99/1617

Božidar KARLIČIĆ

against

**BOSNIA AND HERZEGOVINA
and
THE FEDERATION OF BOSNIA AND HERZEGOVINA**

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 4 July 2000 with the following members present:

Mr. Andrew GROTRIAN, Vice-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 52 of the Chamber's Rules of Procedure:

I. FACTS

1. The applicant is a citizen of Bosnia and Herzegovina. On 10 March 1992 the applicant contracted to buy an apartment from the Yugoslav National Army ("JNA") under the Law on Securing Housing for the JNA (Official Gazette of the Socialist Federal Republic of Yugoslavia no. 84/90). This Law came into force on 6 January 1991. In the following years the respondent Parties issued a number of provisions which had the effect of quashing the applicant's original purchase contract.

II. COMPLAINTS

2. The applicant complains that the retroactive annulment of his purchase contract and the compulsory adjournment of any court proceedings with a view to registering the ownership of the acquired apartment involved violations of Article 6 and 13 of the European Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") and of Article 1 of Protocol No. 1 to the Convention.

III. PROCEEDINGS BEFORE THE CHAMBER

3. The application was introduced to the Chamber and registered on 19 February 1999.

4. On 21 February 1997 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 11 August 1998 under application no. 2034/98.

5. On 14 December 1999 the Chamber and the Ombudsperson sent a joint letter dated 010 December 1999 by registered mail to the applicant, stating that it was not possible for both institutions to deal with his case and inviting him to submit, within four weeks, a written statement as to whether he 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. The letter was not returned to the Chamber, as is the standard procedure when registered mail is not delivered to the recipient. This indicates that the applicant did indeed receive the letter of 10 December 1999.

6. No response has been received from the applicant.

IV. OPINION OF THE CHAMBER

7. 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.

8. The Chamber notes that the applicant has failed to respond to the letter of 10 December 1999, although he was informed that such failure would lead to his application being struck out.

9. 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

10. For these reasons, the Chamber, unanimously,

STRIKES OUT THE APPLICATION.

(signed)
Anders MÅNSSON
Registrar of the Chamber

(signed)
Andrew GROTIAN
Acting President of the First Panel