



DECISION TO STRIKE OUT

Case no. CH/98/715

Dušan ĆORKOVIĆ

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 5 September 2000 with the following members present:

Ms. Michèle PICARD, President
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 as well as Rule 52 of the Chamber's Rules of Procedure:

I. FACTS

1. The applicant, a citizen of Bosnia and Herzegovina, was granted the occupancy right over an apartment located at Nesvrstanih Zemalija square (now Merhemića square) 9 in Sarajevo by the (former) Yugoslav National Army. On 27 February 1992, under legislation in force at the time, he entered into a contract for the purchase of the apartment, having paid the purchase price due on 14 February 1992.

2. He was unable to have himself registered as the owner of the apartment, due to certain decrees and legislation passed by the (former) Republic of Bosnia and Herzegovina. The applicant has not informed the Chamber of what, if any, steps he has taken to seek to be registered as the owner of the apartment since the entry into force of the General Framework Agreement for Peace in Bosnia and Herzegovina.

II. COMPLAINTS

3. The applicant complains of a violation of his right to peaceful enjoyment of his possessions, as guaranteed by Article 1 of Protocol No. 1 to the European Convention on Human Rights.

III. PROCEEDINGS BEFORE THE CHAMBER

4. The application was introduced on 23 June 1998 and registered on the same day.

5. On 11 May 1999 the Chamber transmitted the application to Bosnia and Herzegovina and the Federation of Bosnia and Herzegovina for observations on its admissibility and merits. On the same day the applicant made a further written submission concerning his application. On 9 July 1999 the observations of the Federation of Bosnia and Herzegovina were received and on 21 July 1999 these were sent to the applicant for his further observations and to Bosnia and Herzegovina for information. No observations in reply were received from the applicant.

6. On 11 October 1999 the Chamber wrote to the applicant again, by registered post, asking him to reply to its letter of 21 July 1999 and enclosing a copy of that letter. He was informed that if he did not reply within three weeks, the Chamber might conclude that he no longer wished to proceed with his application and decide to strike it out of its list. On 15 October 1999 the Chamber received a certificate of delivery of its letter of 11 October 1999 signed by a person residing at the address given by the applicant for correspondence. No reply has been received to this letter.

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 (a) the applicant does not intend to pursue his application; (b) the matter has been resolved; or (c) for any other reason established by the Chamber, it is no longer justified to continue the examination of the case. In all these situations, 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 not replied to its letters of 21 July or 11 October 1999. Even though the Chamber has not received confirmation that he has actually received either of these letters, it has in any event been incumbent on him to keep the Chamber informed of any changes of address or other relevant information. The applicant, however, has not been in contact with the Chamber since May 1999.

9. Accordingly, the Chamber concludes that the applicant does not intend to pursue his application. In these circumstances it is no longer justified to continue the examination of the case. 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)
Michèle PICARD
President of the First Panel