



DECISION TO STRIKE OUT

CASE No. CH/97/103

Milena KRUPEŽ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 9 May 2001 with the following members present:

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

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 as well as Rule 52 of the Chamber's Rules of Procedure:

I. INTRODUCTION

1. The application was introduced on 10 December 1997. The applicant complains that the respondent Party enacted laws which retroactively annulled all contracts on purchase of apartments from the former JNA. The applicant's late husband concluded such a contract on 12 February 1992.
2. On 18 January 2001 the Chamber sent the applicant a letter by registered mail asking her whether she had succeeded in registering her ownership of the disputed apartment.
3. On 29 January 2001 the applicant wrote to say that she had succeeded in having her late husband, who concluded the purchase contract, registered as the owner of the apartment in the land-books in the Municipal Court I in Sarajevo, and that the probate proceedings were pending. The applicant explained that she would be registered as the owner of the apartment in question after finishing the probate proceedings.
4. On 12 April 2001 the Chamber sent another letter asking the applicant whether she wanted to continue with the proceedings before the Chamber as it seemed the matter had been resolved. The applicant was asked to reply within 8 days, but the Chamber received no reply to date.

II. OPINION OF THE CHAMBER

5. Having regard to Article VIII(3) of the Agreement, the Chamber finds that the principal matter raised in the application has been resolved, and since the applicant did not reply whether she wants to continue these proceedings, it is no longer justified for the Chamber to continue the examination of the application. Furthermore, the Chamber finds no special circumstances regarding respect for human rights which require the examination of the application to be continued. It follows that the application must be struck out of the list.

III. CONCLUSION

For these reasons, the Chamber, unanimously,

STRIKES OUT THE APPLICATION.

(signed)
Peter KEMPEES
Registrar of the Chamber

(signed)
Michèle PICARD
President of the First Panel