



DECISION TO STRIKE OUT

Case no. CH/98/242

Nedžib DŽINDŽOVSKI

against

BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 9 April 2002 with the following members present:

Mr. Giovanni GRASSO, President
Mr. Viktor MASENKO-MAVI, Vice-President
Mr. Jakob MÖLLER
Mr. Mehmed DEKOVIĆ
Mr. Manfred NOWAK
Mr. Vitomir POPOVIĆ
Mr. Mato TADIĆ

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 to Article VIII(3)(a) of the Agreement as well as Rules 49(2) and 52 of the Chamber's Rules of Procedure:

I. INTRODUCTION

1. The application was introduced on 23 January 1998. The applicant complains that the respondent Party enacted laws which retroactively annulled all contracts on the purchase of apartments from the former JNA. The applicant concluded such a contract on 3 April 1992. The relevant legislation was subsequently amended so as to allow the registration of ownership over apartments purchased from JNA.

2. On 19 June 2001 and then again on 29 November 2001 the Chamber sent a letter by registered mail asking the applicant to state within three weeks whether he had succeeded in registering his ownership of the disputed apartment. No answer was received in relation to the letter of 19 June 2001. The Chamber has received confirmation of the recorded delivery that on 11 December 2001 the applicant was informed to collect the Chamber's letter of 29 November 2001 at the post office in Tuzla but failed to act accordingly.

II. OPINION OF THE CHAMBER

3. 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."

4. Considering that the applicant did not reply to the Chamber's letters and did not inform the Chamber of the current status of the disputed apartment, the Chamber finds that the applicant does not intend to pursue the application. 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 finds it appropriate to strike out the application.

III. CONCLUSION

For these reasons, the Chamber, unanimously,

STRIKES OUT THE APPLICATION.

(signed)
Ulrich GARMS
Registrar of the Chamber

(signed)
Giovanni GRASSO
President of the Second Panel