



DECISION TO STRIKE OUT

Case no. CH/98/170

Ozren DIDOVIĆ

against

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

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 10 January 2003 with the following members present:

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

Mr. Ulrich GARMS, Registrar
Ms. Olga KAPIĆ, Deputy Registrar
Ms. Antonia DE MEO, 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 and Rules 49(2) and 52 of the Chamber's Rules of Procedure:

I. INTRODUCTION

1. The applicant complains that the respondent Parties did not permit him to repossess his pre-war apartment located at Ulica Jezero 5 in Sarajevo and that they enacted laws which retroactively annulled all contracts on the purchase of apartments from the former JNA. The applicant concluded such a contract on 10 February 1992. The relevant legislation was subsequently amended so as to allow the registration of ownership over apartments purchased from JNA.
2. On an unknown date to the Chamber, the applicant filed a claim for repossession of his apartment to the Administration for Housing Affairs of the Sarajevo Canton.
3. On 13 February 2002, the applicant entered into possession of his pre-war apartment.

II. PROCEEDINGS BEFORE THE CHAMBER

4. The application was introduced on 26 January 1998. The applicant is represented by his father, Mr. Dinko Didović.
5. On 26 June 1998 the Chamber transmitted the application to the respondent Parties for their observations on the admissibility and merits under Articles 6, 8 and 13 of the European Convention on Human Rights (the "Convention") and Article 1 of Protocol No. 1 to the Convention.
6. On 28 August 1998 the Federation of Bosnia and Herzegovina submitted its observations, which were transmitted to the applicant on 14 September 1998.
7. On 19 June 2001 and 29 November 2001 the Chamber sent letters to the applicant's representative, at the address he submitted to the Chamber, asking whether the applicant had succeeded in repossession of his apartment and registration of his ownership of it. The applicant's representative never replied. On 3 December 2001 the letter of 29 November 2001 was returned to the Chamber. The envelope bears a post office stamp to the effect that the applicant's representative has moved from the address he submitted to the Chamber.
8. On 15 February 2002 the Federation of Bosnia and Herzegovina informed the Chamber that on 13 February 2002 the applicant entered into possession of his pre-war apartment. On 25 July 2002 the Chamber sent the documents received from the respondent Party to the applicant at the address of his pre-war apartment in Sarajevo, Ulica Jezero 5, with a request to state within one month whether he wanted to continue with the application before the Chamber. On 29 July 2002 the letter was returned to the Chamber. The envelope bears a post office stamp to the effect that the applicant has moved from the address.
9. Neither the applicant nor his representative have informed the Chamber of any new contact addresses.

III. OPINION OF THE CHAMBER

10. 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."
11. According to Rule 46(6) of the Chamber's Rules of Procedures, applicants shall keep the Chamber informed of their change of address.
12. Considering that the applicant has not informed the Chamber of his current address, thereby making it impossible for the Chamber to contact him, 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 decides to strike out the application.

IV. CONCLUSION

13. For these reasons, the Chamber, unanimously,

STRIKES OUT THE APPLICATION.

(signed)
Ulrich GARMS
Registrar of the Chamber

(signed)
Mato TADIĆ
President of the Second Panel