



DECISION TO STRIKE OUT

Case no. CH/98/257

Zvonko ĐAKOVIĆ

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 6 March 2003 with the following members present:

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

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)(b) of the Agreement and Rules 49(2) and 52 of the Chamber's Rules of Procedure:

I. INTRODUCTION

1. The application was introduced on 30 January 1998 and registered on 10 April 1998.
2. The applicant complains that the respondent Parties enacted laws which retroactively annulled all contracts on the purchase of apartments from the former Yugoslav National Army ("JNA"). The applicant concluded such a contract on 20 March 1992. The relevant legislation was subsequently amended so as to allow the registration of ownership over apartments purchased from the JNA.
3. On 25 June 1998, the Chamber transmitted the application to the respondent Parties for their observations on the admissibility and merits under Articles 6 and 13 of the European Convention on Human Rights (the "Convention") and Article 1 of Protocol No. 1 to the Convention. The Federation of Bosnia and Herzegovina submitted its observations on 28 August 1998.
4. On 20 November 2001, the Federation of Bosnia and Herzegovina submitted observations stating that the applicant received permission for the registration of the ownership right over the apartment in question located at Skojevska 55 in Tuzla.
5. On 20 December 2002, the Chamber sent the applicant a letter by registered mail asking whether he had succeeded in registering his ownership of the apartment in question. This letter specifically warned the applicant that if he did not respond to it, the Chamber might decide to strike out his application. According to the delivery receipt, the applicant received this letter on 3 January 2003. However, the Chamber has not received any response from the applicant, and the deadline set for his response has expired.

II. OPINION OF THE CHAMBER

6. 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 ... (b) the matter has been resolved; ... provided that such a result is consistent with the objective of respect for human rights."
7. Considering that it appears that the applicant received permission for the registration of the ownership right over the apartment in question and that he has not replied to the letter from the Chamber, the Chamber finds that the matter raised in the application has been resolved. 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.

III. CONCLUSION

8. For these reasons, the Chamber unanimously,

STRIKES OUT THE APPLICATION.

(signed)
Ulrich GARMS
Registrar of the Chamber

(signed)
Michèle PICARD
President of the First Panel