



DECISION TO STRIKE OUT

Case no. CH/02/8642

Rasim OMERBAŠIĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 1 April with the following members present:

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

Mr. Ulrich GARMS, Registrar
Ms. Olga KAPIĆ, Deputy Registrar
Ms. Antonia DE MEO

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 application was introduced on 3 January 2002. The application concerns a dispute over the apartment located at Ul. Kulina bana (previously Maršala Tita) no. 69A/2-2 in Zenica, the Federation of Bosnia and Herzegovina (hereinafter "apartment"). The applicant entered into possession of the apartment based on a contract on exchange of apartments concluded with its pre-war occupancy right holder, Mr. Krstan Paripović, on 25 March 1992. The written approval of the allocation right holder was obtained on 14 April 1992 and the applicant concluded a contract on use of the apartment with the competent housing organ in Zenica on 28 August 1992. On 10 November 1998 the applicant purchased the apartment from the owner based on the purchase contract. After the validity of the contract had been verified by the Public Attorney and the purchase price paid, the applicant was registered as the owner of the apartment before the Municipal Court in Zenica on 28 January 1999. On 9 December 1999, the Commission for Real Property Claims of Refugees and Displaced Persons ("CRPC") by its decision confirmed that Mr. Krstan Paripović on 1 April 1992 was the occupancy right holder over the apartment in question. The applicant filed a request for reconsideration and CRPC rejected it as manifestly ill-founded. CRPC reasoned that, since the owner's approval was given on 14 April 1992, the contract could not yet have had any legal effect on 1 April 1992.

2. The applicant complains of the enforcement of the CRPC decision confirming that Mr. Krstan Paripović on 1 April 1992 was the occupancy right holder over the apartment in question. He alleges that his rights under Articles 6 and 8 of the European Convention on Human Rights have been violated.

3. The Chamber sent the applicant letters requesting information about the status of the case on 20 December 2002 and 27 February 2003. Both letters were returned to the Chamber as undeliverable, and the applicant has failed to inform the Chamber about any new contact address.

II. OPINION OF THE CHAMBER

4. 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."

5. According to Rule 46(6) of the Chamber's Rules of Procedures, applicants shall keep the Chamber informed of their change of address.

6. Considering that the applicant has not informed the Chamber of his current address, and that the Chamber has been unable to reach the applicant, the Chamber can only conclude 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.

III. CONCLUSION

7. 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