



DECISION TO STRIKE OUT

CASE No. CH/97/55

Milan STOJANOVIĆ

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 8 February 2001 with the following members present:

Ms. Michèle PICARD, President
Mr. Dietrich RAUSCHNING, Vice-President
Mr. Hasan BALIĆ
Mr. Rona AYBAY
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:

INTRODUCTION

1. The application was introduced on 23 July 1997. The applicant complains that the respondent Parties enacted laws which retroactively annulled all contracts on purchase of apartments from the former JNA. The applicant concluded such a contract on 10 February 1992.
2. On 9 February 1999 the applicant's wife sent a letter informing the Chamber that the original applicant died in October 1997. It is therefore now the heir of the original applicant, Ms. Bojka Stojanović, the applicant's wife, who is to be considered the applicant.
3. On 18 January 2001 the Chamber sent a letter by registered mail asking whether the applicant had succeeded in registering her ownership of the disputed apartment.
4. On 20 January 2001 the letter was returned to the Chamber. The envelope bears a post office stamp to the effect that the applicant has moved to a different address which is unknown. The applicant has never informed the Chamber of a new address.

OPINION OF THE CHAMBER

5. Having regard to Article VIII(3) of the Agreement, the Chamber finds that, in view of the fact that the applicant has made it impossible for the Chamber to contact her by not providing her new address, it is no longer justified 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.

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