



DECISION TO STRIKE OUT

Case no. CH/97/98

Vukica DEDIĆ

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 9 October 1999 with the following members present:

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

Mr. Anders MÅNSSON, 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 and Rules 49(2) and 52 of the Chamber's Rules of Procedure:

I. FACTS

1. The applicant is a citizen of Bosnia and Herzegovina. On 15 February 1992 she bought from the Yugoslav National Army the apartment she was occupying in Sarajevo, Ulica Kate Govorusić 5. The purchase contract was annulled by legislation passed shortly after the General Framework Agreement for Bosnia and Herzegovina came into force on 14 December 1995.

2. On 3 October 1997 the applicant introduced an application to the Office of the Human Rights Ombudsperson for Bosnia and Herzegovina ("the Ombudsperson"). It was registered the same day under Application No. 802/97.

3. On 18 December 1998 the Ombudsperson adopted a Report in the applicant's case (*Uroš Stojaković and others v. Bosnia and Herzegovina and the Federation of Bosnia and Herzegovina*, Decisions and Reports January-June 1999, p. 1). The Ombudsperson found that there had been a violation of Article 1 of Protocol No. 1 to the European Convention on Human Rights, and recommended that the respondent Parties take, within six weeks, all necessary steps by way of legislative or administrative action to render ineffective the annulment of the applicant's contract. The respondent Parties failed to report within the time limit set on their compliance with the Ombudsperson's recommendation. On 24 May 1999 the Report was published and forwarded to the President of the Federation of Bosnia and Herzegovina and to the Office of the High Representative for further action. The Ombudsperson did not, however, initiate proceedings before the Chamber.

II. COMPLAINTS

4. The applicant alleges that the annulment of her purchase contract violates her right to peacefully enjoy the apartment under Article 1 of Protocol No. 1 to the European Convention on Human Rights.

III. PROCEEDINGS BEFORE THE CHAMBER

5. The application before the Chamber, which was introduced on 2 December 1997 and registered on the same day, is substantially the same as the above application to the Ombudsperson.

6. On 21 September 1998 the Chamber informed the applicant that it would not normally consider applications that had already been brought before the Ombudsperson, and that, as a consequence, it was likely that, if the applicant decided to proceed with her case before the Chamber, it would eventually be declared inadmissible.

7. On 5 May 1999, the applicant informed the Chamber that she did not intend to pursue her application before the Chamber.

IV. OPINION OF THE CHAMBER

8. According to Article VIII(3) of the Agreement, the Chamber may at any point decide to strike out an application on the ground that the applicant does not intend to pursue her application or that for any other reason established by the Chamber, it is no longer justified to continue the examination. However, a decision to strike out an application must be consistent with the objective of respect for human rights.

9. According to the applicant's letter to the Chamber received on 5 May 1999, she no longer wishes to pursue the application before the Chamber. The Chamber also notes that the Ombudsperson adopted a Report in the applicant's case (see paragraph 3 above) finding a violation of Article 1 of Protocol No. 1 to the Convention.

10. Under the above circumstances, the Chamber does not find it inconsistent with the objective of respect for human rights to strike out the application.

V. CONCLUSION

11. For these reasons, the Chamber, unanimously,

STRIKES OUT THE APPLICATION.

(signed)
Anders MÅNSSON
Registrar of the Chamber

(signed)
Viktor MASENKO-MAVI
Acting President of the Second Panel