



DECISION TO STRIKE OUT

CASE No. CH/98/1036

Jovo JOVIĆ

against

**BOSNIA AND HERZEGOVINA
and
THE REPUBLIKA SRPSKA**

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 8 March 2000 with the following members present:

Mr. Giovanni GRASSO, President
Mr. Viktor MASENKO-MAVI, Vice-President
Mr. Jakob MÖLLER
Mr. Mehmed DEKOVIĆ
Mr. Manfred NOWAK
Mr. Vitomir POPOVIĆ
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 13 February 1992 he bought from the Yugoslav National Army ("JNA") the apartment he was occupying in Doboj, Ulica JNA 83. A decree with force of law, issued on 3 February 1995 by the Presidency of the Republic of Bosnia and Herzegovina, ordered courts and other state authorities to adjourn proceedings relating to the purchase of apartments from the JNA. Legislation passed shortly after the General Framework Agreement came into force on 14 December 1995 annulled the purchase contract.

II. COMPLAINTS

2. The applicant alleges violations of his right to an independent and impartial tribunal, peaceful enjoyment of possession and respect for his home. The application refers to Articles 6 and 8 of the European Convention on Human Rights and Article 1 of Protocol No. 1 to the Convention.

III. PROCEEDINGS BEFORE THE CHAMBER

3. The application was introduced to the Chamber on 14 December 1998 and registered on the same day. The applicant also introduced an application to the Office of the Human Rights Ombudsperson for Bosnia and Herzegovina.

4. On 10 December 1999 the Ombudsperson and the Chamber advised the applicant that it was not possible for both institutions to deal with his case and invited him to submit a statement on whether he wished the Chamber or the Ombudsperson to process his case. On 12 January 2000 the applicant informed the Ombudsperson that he intended to pursue his application before that institution.

IV. OPINION OF THE CHAMBER

5. 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 his 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.

6. According to the applicant's letter to the Ombudsperson, he no longer wishes to pursue the application before the Chamber.

7. In these circumstances, the Chamber does not find it inconsistent with the objective of respect for human rights to strike out the application.

V. CONCLUSION

8. For these reasons, the Chamber, unanimously,

STRIKES OUT THE APPLICATION.

(signed)
Anders MÅNSSON
Registrar of the Chamber

(signed)
Giovanni GRASSO
President of the Second Panel