



DECISION TO STRIKE OUT

Case no. CH/98/1581

M. S.

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 5 September 2000 with the following members present:

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

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 as well as Rule 52 of the Chamber's Rules of Procedure:

I. FACTS

1. The applicant, a citizen of Bosnia and Herzegovina, sought to purchase an apartment in Sarajevo from the former Yugoslav National Army in 1992. She did not enter into a contract to this end, which she claims was due to the outbreak of the war in Bosnia and Herzegovina. The applicant has not taken any steps in the legal systems of the respondent Parties to seek to enter into a contract for the purchase of the apartment concerned.

II. COMPLAINTS

2. The applicant complains of a violation of her right to peaceful enjoyment of her possessions, as guaranteed by Article 1 of Protocol No. 1 to the European Convention on Human Rights. She also complains that she has been discriminated against in the enjoyment of her rights, without specifying on what ground.

III. PROCEEDINGS BEFORE THE CHAMBER

3. The application was introduced on 26 November 1998 and registered on the same day. On 20 January 1999 the Chamber transmitted the application to the respondent Parties for their observations on its admissibility and merits. On 23 March 1999 the observations of the Federation of Bosnia and Herzegovina were received and on 20 April 1999 they were transmitted to the applicant for her further statement in reply. This statement was received on 20 May 1999 and on 1 June 1999 it was sent to the respondent Parties.

4. On 13 April 2000 the applicant was requested to provide certain further information regarding her case. No reply was received to this letter. On 7 June 2000 the Chamber wrote to the applicant again, by registered post, asking her to reply to its letter of 13 April 2000 and enclosing a copy of that letter. She was informed that if she did not reply within three weeks, the Chamber might conclude that she no longer wished to proceed with her application and decide to strike it out of its list. On 17 June 2000 this letter was returned to the Chamber undelivered with an explanation that the applicant was not known at that address.

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 (a) the applicant does not intend to pursue his application; (b) the matter has been resolved; or (c) for any other reason established by the Chamber, it is no longer justified to continue the examination of the case. In all these situations, however, a decision to strike out an application must be consistent with the objective of respect for human rights.

6. The Chamber notes that the applicant has not been in contact with it since 20 May 1999. Even though the Chamber is aware that she may not have received its letter of 13 April 2000 and has received confirmation that she did not receive its letter of 7 June 2000, it has in any event been incumbent on her to keep the Chamber informed of any changes of address or other relevant information. The applicant, however, has not been in contact with the Chamber since May 1999.

7. Accordingly, the Chamber concludes that the applicant does not intend to pursue her application. In these circumstances it is no longer justified to continue the examination of the case. Moreover, such an outcome would not be inconsistent with the objective of respect for human rights.

V. CONCLUSION

8. For these reasons, the Chamber, unanimously,

STRIKES OUT THE APPLICATION.

(signed)
Anders MÅNSSON
Registrar of the Chamber

(signed)
Michèle PICARD
President of the First Panel