



DECISION TO STRIKE OUT

Case no. CH/98/253

Nada DŽANKIĆ

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 11 October 2002 with the following members present:

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

Mr. Ulrich GARMS, 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)(b) of the Agreement and Rules 49(2) and 52 of the Chamber's Rules of Procedure:

I. INTRODUCTION

1. The case concerns the attempts of the applicant to obtain a copy of her contract to purchase an apartment, located at ul. Asima Ferhatovića 33 in Sarajevo, the Federation of Bosnia and Herzegovina, which she concluded with the former Yugoslav National Army (“JNA”). The applicant states that she paid the purchase price for the apartment in February 1992, before she concluded the purchase contract with the JNA. According to the applicant, she has taken various unsuccessful steps to obtain a copy of her purchase contract. As she has no contract, she claims she is not able to register herself as the owner over the apartment.

2. According to information submitted by the Federation of Bosnia and Herzegovina, on 10 February 2001, the competent Public Attorney assessed the purchase contract in question to be legally valid and on that basis, an order was issued to register the applicant as the owner of the apartment.

II. PROCEEDINGS BEFORE THE CHAMBER

3. The application was introduced on 27 January 1998.

4. On 27 April 1999 the Chamber transmitted the application to the respondent Parties for their observations on the admissibility and merits under Article 6 of the European Convention on Human Rights (the “Convention”) and Article 1 of Protocol No. 1 to the Convention.

5. On 21 June 1999 the Federation of Bosnia and Herzegovina submitted its observations. The Chamber received no observations from Bosnia and Herzegovina. On 16 August 1999 the applicant submitted her reply observations to Chamber.

6. On 24 July 2000, 18 April and 18 July 2001, the Chamber asked the applicant to submit information on further developments in her case before domestic authorities according to the Amendments to the Law on the Sale of Apartments with an Occupancy Right (Official Gazette of the Federation of Bosnia and Herzegovina no. 27/99).

7. On 20 September 2001, the Federation of Bosnia and Herzegovina informed the Chamber about the assessment of the purchase contract in question on 10 February 2001 and the subsequent issuance of the order registering the applicant as the owner of the apartment.

8. On 21 September 2001 and 10 June 2002, the Chamber communicated the observations to the applicant for her comment. The applicant was requested to submit information on whether she has been registered as the owner over the apartment in question. In the letter of 10 June 2002, which was sent to the applicant by registered mail, return receipt requested, the Chamber specifically warned the applicant that if she did not respond to its letter, it might decide to strike out her application. The Chamber received the signed delivery receipt for its letter of 10 June 2002, but the applicant has not responded to the Chamber’s letters.

III. COMPLAINTS

9. The applicant alleges that her human rights have been violated because she was not able to obtain a copy of her purchase contract and to register her ownership over the apartment with the Land Registry Office.

IV. OPINION OF THE CHAMBE

10. 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...

(b) the matter has been resolved; ... provided that such a result is consistent with the objective of respect for human rights.”

11. Considering that the applicant obtained verification of the purchase contract in question and was allowed to register her ownership over the apartment in question, and considering further that she did not reply to the Chamber’s letters, the Chamber finds that the matter raised in the application has been resolved. 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.

V. CONCLUSION

12. For these reasons, the Chamber, unanimously,

STRIKES OUT THE APPLICATION.

(signed)
Ulrich GARMS
Registrar of the Chamber

(signed)
Michèle PICARD
President of the First Panel