



DECISION TO STRIKE OUT

Case no. CH/98/254

Hamdo DURADBEGOVIĆ

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 7 September 2002 with the following members present:

Mr. Giovanni GRASSO, President
Mr. Jakob MÖLLER
Mr. Mehmed DEKOVIĆ
Mr. Vitomir POPOVIĆ
Mr. Mato TADIĆ

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) and (c) of the Agreement as well as Rules 49(2) and 52 of the Chamber’s Rules of Procedure:

I. INTRODUCTION

1. The application was introduced on 27 January 1998. The applicant complains that the respondent Party enacted laws which retroactively annulled all contracts on the purchase of apartments from the former Yugoslav National Army (the "JNA"). The applicant concluded such a contract on 3 April 1992. The relevant legislation was subsequently amended so as to allow the registration of ownership over apartments purchased from JNA.

2. On 6 December 2001 the respondent Party submitted to the Chamber evidence according to which the applicant repossessed the apartment in Tuzla, ulica Maršala Tita 62. However that was not the subject of the case, as the applicant complained that the contract of 3 April 1992 had been annulled.

3. On 19 July 2001 and 13 December 2001 the Chamber sent letters to the applicant, with a request that he state within three weeks whether he had succeeded in registering his ownership of the disputed apartment. In the letters the Chamber specifically warned the applicant that a failure to respond could result that his application being struck out. No answer was received. The Chamber received confirmation of the recorded delivery that on 21 July 2001 and 15 December 2001 the applicant had received the Chamber's letters of 19 July 2001 and 13 December 2001.

II. OPINION OF THE CHAMBER

4. 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; or (c) for any other reason established by the Chamber, it is no longer justified to continue the examination of the application; provided that such a result is consistent with the objective of respect for human rights."

5. The Chamber notes that on 19 July 2001 and 13 December 2001 the Chamber sent letters to the applicant with the request whether he received the permission for the registration of the ownership right over the apartment in question. The applicant has not replied to the Chamber's letters and he has not drawn the Chamber's attention to any special circumstances regarding the respect for human rights which would require the examination of the application to be continued and the Chamber considers that no such special circumstances are present in this application. The Chamber, therefore, decides to strike out the application, pursuant to Article VIII(3) of the Agreement.

III. CONCLUSION

For these reasons, the Chamber, unanimously,

STRIKES OUT THE APPLICATION.

(signed)
Ulrich GARMS
Registrar of the Chamber

(signed)
Giovanni GRASSO
President of the Second Panel