



## **DECISION TO STRIKE OUT**

**Case no. CH/98/261**

**Sumbula POLJO**

**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 10 January 2003 with the following members present:

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

Mr. Ulrich GARMS, Registrar  
Ms. Olga KAPIĆ, Deputy Registrar  
Ms. Antonia DE MEO, 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 application was introduced on 2 February 1998.
2. The applicant complains that the respondent Parties enacted laws which retroactively annulled all contracts on the purchase of apartments from the former JNA. The applicant concluded such a contract on 7 March 1992. The relevant legislation was subsequently amended so as to allow the registration of ownership over apartments purchased from JNA.
3. On 25 June 1998, the Chamber transmitted the application to the respondent Parties for their observations on the admissibility and merits under Articles 6 and 13 of the European Convention on Human Rights (the "Convention") and Article 1 of Protocol No. 1 to the Convention.
4. On 20 November 2001, the Federation of Bosnia and Herzegovina submitted its observations stating that the applicant received permission for the registration of the ownership right over the disputed apartment in Tuzla, ulica Skojevska 61.
5. On 19 July 2002, the Chamber sent the applicant a letter by registered mail asking whether she had succeeded in registering her ownership of the disputed apartment. This letter specifically warned the applicant that if she did not respond to it, the Chamber might decide to strike out her application. According to the delivery receipt, the applicant received this letter on 24 July 2002. However, the Chamber has not received any answer from the applicant, and the deadline set for her answer has expired.

## **II. OPINION OF THE CHAMBER**

6. 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."
7. Considering that it appears that the applicant received permission for the registration of the ownership right over the apartment in question and that she has not replied to the letter from the Chamber, 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.

## **III. CONCLUSION**

8. 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