



DECISION TO STRIKE OUT

Case no. CH/98/263

Milan JOSIĆ

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 6 March 2003 with the following members present:

Ms. Michèle PICARD, President
Mr. Miodrag PAJIĆ, Vice-President
Mr. Dietrich RAUSCHNING
Mr. Hasan BALIĆ
Mr. Rona AYBAY
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 applicant complains that the respondent Parties did not permit him to repossess his pre-war apartment located at Skojevska 53 in Tuzla and that they enacted laws which retroactively annulled all contracts on the purchase of apartments from the former Yugoslav National Army ("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 the JNA.
2. On an unknown date to the Chamber, the applicant filed a claim for repossession of his apartment to the Administration for Housing Affairs of the Municipality Tuzla (Služba za stambene poslove Općine Tuzla)
3. The original applicant died in October 2000. Therefore, his wife and heir, Ms. Stoja Josić, is now considered the applicant.
4. On 24 June 2002, the applicant entered into possession of her pre-war apartment.

II. PROCEEDINGS BEFORE THE CHAMBER

5. The application was introduced on 2 February 1998.
6. On 26 June 1998, the Chamber transmitted the application to the respondent Parties for their observations on the admissibility and merits under Articles 6, 8 and 13 of the European Convention on Human Rights (the "Convention") and Article 1 of Protocol No. 1 to the Convention.
7. On 28 August 1998, the Federation of Bosnia and Herzegovina submitted its observations, which were transmitted to the applicant on 14 September 1998.
8. On 20 December 2002, the Federation of Bosnia and Herzegovina informed the Chamber that on 24 June 2002, the applicant – Ms. Stoja Josić – entered into possession of her pre-war apartment. On 23 December 2002, the Chamber sent the documents received from the respondent Party to the applicant with a request to state within three weeks whether she wanted to continue with the application before the Chamber. 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 18 January 2003. However, the Chamber has not received any response from the applicant, and the deadline set for her response has expired.

III. OPINION OF THE CHAMBER

9. 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."
10. Considering that it appears that the applicant entered into possession of her pre-war apartment 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.

IV. CONCLUSION

11. For these reasons, the Chamber, unanimously,

STRIKES OUT THE APPLICATION.

(signed)
Ulrich GARMS
Registrar of the Chamber

(signed)
Michèle PICARD
President of the Second Panel