



DECISION TO STRIKE OUT

Case no. CH/98/305

Vladimir JURIŠIĆ

against

**BOSNIA AND HERZEGOVINA
and
THE FEDERATION OF BOSNIA AND HERZEGOVINA**

The Human Rights Chamber for Bosnia and Herzegovina, sitting in plenary session on 4 September 2000 with the following members present:

Ms. Michèle PICARD, President
Mr. Giovanni GRASSO, Vice-President
Mr. Dietrich RAUSCHNING
Mr. Hasan BALIĆ
Mr. Želimir JUKA
Mr. Jakob MÖLLER
Mr. Mehmed DEKOVIĆ
Mr. Manfred NOWAK
Mr. Miodrag PAJIĆ
Mr. Vitomir POPOVIĆ
Mr. Viktor MASENKO-MAVI
Mr. Andrew GROTRIAN
Mr. Mato TADIĆ

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. On 11 March 1992 the applicant entered into a contract for the purchase of a Yugoslav National Army (JNA) apartment in Travnik, Trg Republike 2/02 (Center 2 D Lamela II), in which he was living. He paid the purchase price on 14 February and 9 March 1992. It appears that during the war the applicant was displaced from Travnik to Novi Travnik.

2. On 29 April 1997 the applicant initiated proceedings before the Court of First Instance in Travnik to have himself recognised as the owner of the apartment and registered in the Land Registry. The court adjourned the proceedings by a decision dated 27 June 1997. The applicant has not taken any steps to resume the court proceedings in his case. He has, however, on 17 April and 20 May 1998 submitted two requests for the repossession of the apartment to the Department for Housing and Communal Affairs of the Municipality Travnik. A procedural decision was issued on 12 March 1999, which established that the current occupant had validly acquired an occupancy right on 7 February 1998. On 6 October 1999 this decision was replaced in accordance with the new applicable regulations, on the basis of which the applicant acquired the right to regain the possession of the apartment. The applicant states that he is not presently in the possession of the apartment and that he is not allowed to return to his apartment.

II. COMPLAINTS

3. The applicant alleges violations of his rights under Article 6 of the European Convention on Human Rights, as well as Article 1 of Protocol No. 1 to the Convention.

III. PROCEEDINGS BEFORE THE CHAMBER

4. The application was submitted to the Chamber on 11 February 1998 and registered on 10 April 1998. The applicant is represented by Liljana Imamović, a lawyer from Travnik.

5. On 30 September 1998 the Chamber requested the applicant to submit a copy of the receipt of payment for the apartment, which was subsequently received. On 17 December 1998 the application was transmitted to both respondent Parties for their observations on the admissibility and merits. No observations were received and on 4 March 1999 the applicant was invited to make additional observations and to submit his compensation claim, if any. No reply from the applicant was received either.

6. On 23 September 1999 the Chamber transmitted three cases, including the present one, for an *amica curiae* intervention to the Office of the Human Rights Ombudsperson for Bosnia and Herzegovina, with particular reference to the question whether the length of the adjourned proceedings has been unreasonable, taking into account the Chamber's competence *ratione temporis* and the moment in which it became possible for the applicants to resume the proceedings. The Ombudsperson's observations were received on 27 October 1999.

7. On 11 November 1999 the Chamber invited the applicant and the respondent Parties to submit written observations in reply to the observations of the Ombudsperson. Observations by the Federation were received on 12 December 1999. Upon request of the Chamber of 29 February 2000 additional information was received from the Federation on 29 March 2000. However, the Chamber did not receive any answer from the applicant. On 23 May 2000 the Registry sent the observations of the Federation of 29 March 2000 to the applicant requesting him to respond to the Chamber's submissions. In this letter the applicant was informed that the Chamber might stop deliberating the case if he did not answer. Again, the Chamber did not receive any answer from the applicant. All letters had been sent to the applicant by registered mail.

IV. OPINION OF THE CHAMBER

8. 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 application. In all these situations, however, a decision to strike out an application must be consistent with the objective of respect for human rights.

9. In the present case the Chamber notes that the applicant has repeatedly failed to reply to the Chamber's requests although he was informed that the Chamber might decide to strike out his application. Accordingly, the Chamber finds that the applicant does not intend to pursue his application.

10. In these circumstances it is no longer justified to continue the examination of the application. Moreover, such an outcome would not be inconsistent with the objective of respect for human rights.

V. CONCLUSION

11. For these reasons, the Chamber unanimously,

STRIKES OUT THE APPLICATION.

(signed)
Anders MÅNSSON
Registrar of the Chamber

(signed)
Michèle PICARD
President of the Chamber