



DECISION TO STRIKE OUT

Case no. CH/98/336

Hajrudin HASANOVIĆ

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 6 April 2000 with the following members present:

Mr. Giovanni GRASSO, President
Mr. Viktor MASENKO-MAVI, Vice-President
Mr. Jakob MÖLLER
Mr. Mehmed DEKOVIĆ
Mr. Manfred NOWAK
Mr. Vitomir POPOVIĆ
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 and Rule 52 of the Chamber's Rules of Procedure:

I. FACTS

1. On 13 March 1992 the applicant concluded a purchase contract for a Yugoslav National Army (JNA) apartment at 8 April St. No. bb/II in Kiseljak. He paid the purchase price on 27 March 1992. The applicant has not initiated court proceedings to have himself registered as the owner of the apartment. A decree with force of law, issued on 3 February 1995 by the Presidency of the Republic of Bosnia and Herzegovina, ordered courts and other state authorities to adjourn proceedings relating to the purchase of apartments from the JNA. Legislation passed shortly after the General Framework Agreement came into force on 14 December 1995 annulled the purchase contract.

II. COMPLAINTS

2. The applicant alleges violations of his right to peaceful enjoyment of his possessions pursuant to Article 1 of Protocol No. 1 to the Convention.

III. PROCEEDINGS BEFORE THE CHAMBER

3. The application was introduced to the Chamber on 13 February 1998 and registered on 10 April 1998.

4. On 7 August 1998 the Chamber decided to transmit the application to the respondent Parties for observations on admissibility and merits. The Federation of Bosnia and Herzegovina submitted such observations on 23 April 1999, but Bosnia and Herzegovina did not submit any observations.

5. Subsequently, it came to light that the applicant, on 20 January 1998, had also introduced an application concerning the same matter to the Human Rights Ombudsperson for Bosnia and Herzegovina.

6. On 1 December 1999 the Ombudsperson and the Chamber advised the applicant that it was not possible for both institutions to deal simultaneously with the same case and invited him to submit a statement on whether he wished the Chamber or the Ombudsperson to process his case. On 27 December 1999 the applicant informed the Ombudsperson that he intended to pursue his application before that institution.

IV. OPINION OF THE CHAMBER

7. According to Article VIII(3) of the Agreement, the Chamber may at any point decide to strike out an application on the ground that the applicant does not intend to pursue his application or that, for any other reason established by the Chamber, it is no longer justified to continue the examination. However, a decision to strike out an application must be consistent with the objective of respect for human rights.

8. According to the applicant's letter to the Ombudsperson, he no longer wishes to pursue the application before the Chamber. In these circumstances, the Chamber does not find it inconsistent with the objective of respect for human rights to strike out the application.

V. CONCLUSION

9. For these reasons, the Chamber, unanimously,

STRIKES OUT THE APPLICATION.

(signed)
Anders MÅNSSON
Registrar of the Chamber

(signed)
Giovanni GRASSO
President of the Second Panel