



DECISION TO STRIKE OUT

CASE No. CH/98/545

M.S.

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 7 November 2000 with the following members present:

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

Mr. Peter KEMPEES, 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:

INTRODUCTION

1. The application was introduced on 17 April 1998. The application relates to the purchase of an apartment.
2. The original applicant died in March 1999. It is therefore now the heir of the original applicant, Mr. B.S., who is to be considered the applicant.
3. The respondent Party – the Federation of Bosnia and Herzegovina submitted to the Chamber evidence according to which the applicant's heir got permission for registration of the ownership right over the disputed apartment.
4. On 18 April 2000 the Chamber sent the documents received from the respondent Party to the applicant's heir with a request to state within 15 days whether he wanted to continue with the application before the Chamber. No answer was received.

OPINION OF THE CHAMBER

5. Having regard to Article VIII(3) of the Agreement, the Chamber finds that, in view of the information received from the respondent Party and the applicant's failure to react to the Registry's request for information, it is no longer justified to continue the examination of the application. Furthermore, the Chamber finds no special circumstances regarding respect for human rights which require the examination of the application to be continued. It follows that the application must be struck out of the list.

CONCLUSION

For these reasons, the Chamber unanimously

STRIKES OUT THE APPLICATION.

(signed)
Peter KEMPEES
Registrar of the Chamber

(signed)
Michèle PICARD
President of the First Panel