



DECISION TO STRIKE OUT

Case no. CH/98/652

V.G.

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 4 February 2003 with the following members present:

Mr. Mato TADIĆ, President
Mr. Jakob MÖLLER
Mr. Mehmed DEKOVIĆ
Mr. Manfred NOWAK
Mr. Vitomir POPOVIĆ
Mr. Viktor MASENKO-MAVI

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)(a) 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 Ulica Skojevska 61 in Sarajevo 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 9 March 1992. The relevant legislation was subsequently amended so as to allow the registration of ownership over apartments purchased from JNA.
2. On 27 August 1998, the applicant filed a claim for repossession of his apartment to the Administration for Housing Affairs of the Tuzla Municipality.
3. On 19 April 2002, the applicant entered into possession of his pre-war apartment.

II. PROCEEDINGS BEFORE THE CHAMBER

4. The application was introduced on 19 May 1998. The applicant is represented by Mr. Vojislav Lazić.
5. On 22 April 1999, the Chamber transmitted the application to the respondent Parties for their observations on the admissibility and merits under Article 6 of the European Convention on Human Rights (the "Convention") and Article 1 of Protocol No. 1 to the Convention.
6. On 22 June 1999, the Federation of Bosnia and Herzegovina submitted its observations, which were transmitted to the applicant on 15 July 1999.
7. On 11 September 2002, the Federation of Bosnia and Herzegovina informed the Chamber that on 19 April 2002 the applicant had entered into possession of his pre-war apartment. On 17 September 2002, the Chamber sent the documents received from the respondent Party to the applicant's representative with a request that he state within one month whether the applicant wanted to continue with the application before the Chamber. This letter specifically cautioned the applicant that if no response was received, the Chamber might decide to strike out the application. According to the delivery receipt, the applicant's representative received this letter on 19 September 2002. However, the Chamber has not received any answer from the applicant or her representative, and the deadline set for the answer has expired.

III. OPINION OF THE CHAMBER

8. 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 (a) the applicant does not intend to pursue his application; ... provided that such a result is consistent with the objective of respect for human rights."
9. Considering that neither the applicant nor her representative replied to the Chamber's letter of 17 September 2002 asking for confirmation of the applicant's repossession of the apartment in question, the Chamber finds that the applicant does not intend to pursue the application. 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, pursuant to Article VIII(3)(a) of the Agreement.

IV. CONCLUSION

10. For these reasons, the Chamber, unanimously,

STRIKES OUT THE APPLICATION.

(signed)
Ulrich GARMS
Registrar of the Chamber

(signed)
Mato TADIĆ
President of the Second Panel