



DECISION TO STRIKE OUT

Case no. CH/99/1454

Dušan BOGDANOVIĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 4 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. 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 Rules 49(2) and 52 of the Chamber’s Rules of Procedure:

I. FACTS

1. The applicant is a citizen of Bosnia and Herzegovina. On 19 March 1992 he entered into a purchase contract for an apartment in Antona Mavraka Street No. 18 in Sarajevo over which he held an occupancy right from the Yugoslav National Army ("JNA"). He had paid the contractual purchase price already on 13 February 1992. In March 1992, the applicant left Sarajevo, apparently because of the fact that he was an active JNA officer.

II. COMPLAINTS

2. The applicant complains that he is not able to enter into possession of the apartment and alleges a violation of his right to property.

III. PROCEEDINGS

3. The application was introduced to the Chamber on 22 January 1999 and registered on the same day.

4. On 22 January 1998 the applicant had already introduced an application concerning the same matter to the Office of the Human Rights Ombudsperson for Bosnia and Herzegovina. It was registered on the same day under application no. 1555/98.

5. On 19 November 1999 the Chamber and the Ombudsperson sent a joint letter to the applicant, stating that it was not possible for both institutions to deal with his case and inviting him to submit, within four weeks, a written statement as to whether he wished the Chamber or the Ombudsperson to process the case.

6. On 20 December 1999 the Office of the Ombudsperson received an answer from the applicant stating that he wished to pursue his case before that institution.

IV. OPINION OF THE CHAMBER

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

8. The Chamber notes that the applicant has expressed the wish that the Office of the Ombudsperson continues with the examination of his case.

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

V. CONCLUSION

10. 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