



DECISION TO STRIKE OUT

Case no. CH/99/1519

Selma ŠOJKO

Against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 6 April 2000 with the following members present:

Mr. Andrew GROTRIAN, Acting President
Mr. Dietrich RAUSCHNING
Mr. Hasan BALIĆ
Mr. Rona AYBAY
Mr. Želimir JUKA
Mr. Miodrag PAJIĆ

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 49(2) and 52 of the Chamber's Rules of Procedure:

I. FACTS

1. The applicant is a citizen of Bosnia and Herzegovina. On 14 February 1992 she purchased her apartment, over which she held an occupancy right, from the Yugoslav National Army and paid the full purchase price. She is currently living in the apartment.

II. COMPLAINTS

2. The applicant complains that her right of ownership has been violated as she has not been registered as the owner of the apartment nor has her purchase contract been recognised.

III. PROCEEDINGS

3. The application was introduced to and registered with the Chamber on 4 February 1999.

4. On 10 Sept 1998 the applicant introduced an application concerning the same matter to the Office of the Human Rights Ombudsperson for Bosnia and Herzegovina. It was registered on 8 October 1998 under application no. 2346/98.

5. On 19 October 1999 the Chamber and the Ombudsperson sent a joint letter by registered mail to the applicant, stating that it was not possible for both institutions to deal with her case and inviting her to submit, within four weeks, a written statement as to whether she wished the Chamber or the Ombudsperson to process the case. The applicant was informed that failure to respond would lead the Chamber to strike the application out of its list of cases.

6. No response has been received from the applicant.

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 failed to respond to the letter of 10 October 1999, although she was informed that such failure would lead to her application being struck out.

9. In these circumstances, the Chamber considers that 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

10. For these reasons, the Chamber, unanimously,

STRIKES OUT THE APPLICATION.

(signed)
Anders MÅNSSON
Registrar of the Chamber

(signed)
Andrew GROTRIAN
Acting President of the First Panel