



DECISION TO STRIKE OUT

Case no. CH/99/1523

Danica ORO

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. In February 1992 she purchased her apartment from the Yugoslav National Army. During the war in Bosnia and Herzegovina, however, her apartment was destroyed.
2. In March 1996 the applicant applied to the Novo Sarajevo housing authority to repossess the apartment. This claim was forwarded to the relevant military housing authority in May 1997. The applicant renewed her claim with the Novo Sarajevo housing authority in August 1998. It does not appear that there has been a decision in her case.

II. COMPLAINTS

3. The applicant complains that her ownership right and her purchase contract have not been recognised and asks that her apartment be returned to her when it has been rebuilt.

III. PROCEEDINGS

4. The application was introduced to and registered with the Chamber on 4 February 1999.
5. On 16 July 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 28 October 1998 under application no. 2421/98.
6. On 14 December 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.
7. No response has been received from the applicant.

IV. OPINION OF THE CHAMBER

8. 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.
9. The Chamber notes that the applicant has failed to respond to the letter of 14 December 1999, although she was informed that such failure would lead to her application being struck out.
10. 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

11. 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