



DECISION TO STRIKE OUT

Case no. CH/98/1699

Milan GAČIĆ

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 8 September 1999 with the following members present:

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

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

I. FACTS

1. The applicant is a citizen of Bosnia and Herzegovina, currently residing in Banja Luka. He was the holder of the occupancy right over an apartment in Franje Kluza Street No. 4, Sarajevo.
2. On an unspecified date in 1992, he purchased the apartment from the JNA Housing Fund. He then left Sarajevo due to the hostilities. His ownership has not been recognized by the respondent Parties.

II. COMPLAINT

3. The applicant complains that the authorities deny his rights stemming from the purchase of the apartment.

III. PROCEEDINGS BEFORE THE CHAMBER

4. The application was introduced on 17 December 1998 and registered on the same day.
5. On 23 April 1999 the Registry wrote to the applicant, asking for additional information. His reply was requested by 23 May 1999. There was no reply within the time-limit.
6. On 24 June 1999 the Registry sent a reminder of the letter of 23 April 1999, by registered mail. The applicant received this letter on 25 June 1999. In this letter the applicant was informed that if no reply was received by 8 July 1999, the Chamber might decide that he no longer wished to proceed with the application. There has been no reply to date.

IV. OPINION OF THE CHAMBER

7. According to Article VIII(3) of the Agreement, the Chamber may at any point decide to strike out an application on the ground that (a) the applicant does not intend to pursue his application; (b) the matter has been resolved; or (c) for any other reason established by the Chamber, it is no longer justified to continue the examination of the case. In all these situations, however, a decision to strike out an application must be consistent with the objective of respect for human rights.
8. In the present case the Chamber notes that the applicant has not replied to the letter sent to him by the Chamber. The Chamber has received confirmation that the applicant received the letters from the Chamber dated 23 April and 24 June 1999. The Chamber also notes that the letter of 24 June 1999 specifically informed the applicant that if he did not reply to it, the Chamber would assume that he did not wish to proceed with his application before it.
9. Accordingly, the Chamber concludes that the applicant does not intend to pursue his application. In these circumstances it is no longer justified to continue the examination of the case and 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)
Michèle PICARD
President of the First Panel