



DECISION TO STRIKE OUT

Case no. CH/99/1659

J. P.

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 9 November 2001 with the following members present:

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

Mr. Ulrich GARMS, 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 Article VIII(3)(a) of the Agreement and Rule 49(2) of the Chamber's Rules of Procedure:

I. INTRODUCTION

1. The application was introduced on 3 March 1999. The applicant is represented by a lawyer.
2. The applicant complains that he has not been able to repossess his apartment in the Municipality of Novo Sarajevo and that the public authorities fail to evict the temporary occupant.

II. FACTS

3. On 14 July 1998 the Administration for Housing Affairs issued a procedural decision in favour of the applicant. Upon the appeal of the temporary occupant this decision was annulled by the Sarajevo Canton Ministry of Physical Planning, Housing and Utility Affairs on 18 November 1998. On 30 November 1998 the applicant requested the eviction of the temporary occupant within 30 days in accordance with the procedural decision of 14 July 1998. However, at the time of the application before the Chamber, the temporary occupant had not been evicted yet.

4. There was no contact between the Chamber and the applicant or the applicant's representative until on 24 August 2001. On that date the Chamber sent a letter to the applicant's representative for an up-date on relevant information. The applicant's representative informed the Chamber that already in February 1999 he had lost all contacts with his client. After receiving the Chamber's letter he unsuccessfully tried to contact his client several times by phone. In September 2001 the Chamber tried to reach the applicant with a letter to the contact address named in the application form but did not receive any reply.

III. OPINION OF THE CHAMBER

5. 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."

6. Considering the facts that there has been no contact with the applicant since his application on 3 March 1999, that the applicant's representative has lost all contact with his client and that the applicant did not reply to a letter by the Chamber sent in September 2001, 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 finds it appropriate to strike out the application.

IV. CONCLUSION

7. For these reasons, the Chamber, unanimously,

STRIKES OUT THE APPLICATION

(signed)
Ulrich GARMS
Registrar of the Chamber

(signed)
Michèle PICARD
President of the First Panel