



DECISION TO STRIKE OUT

Case no. CH/98/123

D.P.

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 11 October 2002 with the following members present:

Ms. Michèle PICARD, President
Mr. Dietrich RAUSCHNING
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 to Article VIII(3)(a) of the Agreement and Rules 49(2) and 52 of the Chamber's Rules of Procedure.

I. INTRODUCTION

1. The application was introduced on 15 January 1998.
2. The applicant complained of his inability to repossess and to be registered as the owner over an apartment located at Olimpijska no. 44/VII, in Sarajevo.
3. On 27 May 1998 the application was transmitted to the respondent Parties, Bosnia and Herzegovina and the Federation of Bosnia and Herzegovina (“the Federation”). On 11 June 2002 the Federation informed the Chamber that the apartment in question was vacant and sealed on 28 May 2002.
4. On 3 July 2002 and 24 July 2002, the Chamber sent letters by registered mail to the applicant’s contact address and his pre-war apartment, asking if he has been reinstated. The letters were returned to the Chamber, with a note explaining that the applicant had not picked up his mail.

II. 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/her application; ... provided that such result is consistent with the objective of respect for human rights.”
6. The Chamber notes that the applicant has not replied to the letters sent to him. The Chamber finds that the applicant does not intend to pursue the application and that it cannot further consider the application without the applicant’s co-operation. 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 decides to strike out the application.

III. 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