



DECISION TO STRIKE OUT

Case no. CH/98/964

Latif KALENDER

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 11 October 2002 with the following members present:

Mr. Viktor MASENKO-MAVI, Acting President
Mr. Jakob MÖLLER
Mr. Mehmed DEKOVIĆ
Mr. Vitomir POPOVIĆ
Mr. Mato TADIĆ

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

I. INTRODUCTION

1. The application was introduced on 18 September 1998. The applicant complains of non-enforcement of the final judgment of the Municipal Court in Livno of 15 June 1993. By that judgment two insurance companies were obliged to pay to the applicant, who was their client, the compensation for damage of his house caused by fire.

2. The applicant complains that his rights protected under Article 6 and 14 of the Convention and Article 1 of Protocol No. 1 to the Convention have been violated.

II. PROCEEDINGS BEFORE THE CHAMBER

3. On 17 June 1999 the application was transmitted to the respondent Party for observations on the admissibility and merits. The respondent Party's observations were received on 20 August 1999. The respondent Party considers the application inadmissible because domestic remedies have not been exhausted. For a variety of reasons, the respondent Party also considers that there are no violations of Article 6 and 14 of the Convention and Article 1 of Protocol No. 1 to the Convention.

4. On 27 August 1999 the observations of the respondent Party were transmitted to the applicant. No reply was received. On 27 December 1999 the Chamber asked the applicant to provide additional information in the case and to submit relevant documentation but no reply was received, again. On 20 June 2002 the Chamber sent the letter to the applicant, by registered mail, asking him to reply within three weeks to its letter of 27 December 1999 and enclosing a copy of that letter once again. On 27 June 2002 the Chamber received a certificate of delivery of its letter of 20 June 2002, signed by a member of the applicant's household. However, the Chamber has received no response from the applicant.

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. 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 cooperation. 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.

IV. CONCLUSION

For these reasons, the Chamber, unanimously,

STRIKES OUT THE APPLICATION

(signed)
Ulrich GARMS
Registrar of the Chamber

(signed)
Viktor MASENKO-MAVI
Acting President of the Second Panel