



DECISION TO STRIKE OUT

Case no. CH/02/9046

Bogoljub JOVANDIĆ

against

**THE FEDERATION OF BOSNIA AND HERZEGOVINA
and
THE REPUBLIKA SRPSKA**

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 6 March 2003 with the following members present:

Mr. Mato TADIĆ, President
Mr. Jakob MÖLLER
Mr. Mehmed DEKOVIĆ
Mr. Giovanni GRASSO
Mr. Manfred NOWAK
Mr. Vitomir POPOVIĆ
Mr. Viktor MASENKO-MAVI

Mr. Ulrich GARMS, Registrar
Ms. Olga KAPIĆ, Deputy Registrar
Ms. Antonia DE MEO, 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 Rule 49(2) of the Chamber's Rules of Procedure:

I. INTRODUCTION

1. The applicant lives in Bosansko Grahovo, the Federation of Bosnia and Herzegovina; however, the applicant receives his pension from the Pension and Disability Insurance Fund of the Republika Srpska.
2. The applicant complains that the Health Centre in Drvar (near Bosansko Grahovo in the Federation of Bosnia and Herzegovina) refused to provide him with necessary medical services, including transportation to the Health Centre in Livno, because the applicant was not a beneficiary of health insurance in the Federation of Bosnia and Herzegovina.

II. PROCEEDINGS BEFORE THE CHAMBER

3. The application was introduced on 8 March 2002 and registered on the same date.
4. On 11 December 2002, the Chamber sent a letter to the applicant's representative, via registered mail, requesting her to inform the Chamber whether the applicant resolved his problem concerning transportation to and medical treatment at the Health Centre in Livno. The Chamber cautioned the applicant that if he failed to respond, the Chamber might decide to strike out the application. The Chamber received the signed delivery receipt, but the applicant failed to respond.
5. On 30 January 2003, the Chamber sent another letter to the applicant, via registered mail, requesting the same information as in the previous letter. The Chamber cautioned the applicant that if he failed to respond, the Chamber might decide to strike out the application. The Chamber received the signed delivery receipt, but the applicant failed to respond.

III. OPINION OF THE CHAMBER

6. 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."
7. Considering the fact that the applicant has failed to respond to both letters sent to him by the Chamber, despite the warning that a failure to do so might result in his application being struck out, and considering further that his response is necessary for the continuance of proceedings, the Chamber can only conclude that the applicant does not intend to pursue his application. Moreover, the Chamber is aware that earlier difficulties in obtaining health care in one Entity, when insured by the other Entity, have been largely resolved by the passage and implementation of the Agreement on the Use of Medical Insurance Outside of the Entity Insuring the Individual (Official Gazette of Bosnia and Herzegovina no. 30/01; Official Gazette of the Federation of Bosnia and Herzegovina no. 8/02; Official Gazette of the Republika Srpska no. 9/02). 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, pursuant to Article VIII(3)(a) of the Agreement.

IV. CONCLUSION

8. For these reasons, the Chamber, unanimously,

STRIKES OUT THE APPLICATION.

(signed)
Ulrich GARMS
Registrar of the Chamber

(signed)
Mato TADIĆ
President of the Second Panel