



DECISION TO STRIKE OUT

Case no. CH/98/992

Rešad HONDŽO

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 3 July 2003 with the following members present:

Mr. Mato TADIĆ, President
Mr. Jakob MÖLLER, Vice-President
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)(c) of the Agreement and Rules 46(6), 49(2) and 52 of the Chamber's Rules of Procedure:

I. FACTS

1. The application was introduced on 25 September 1998 and registered on 29 September 1998.
2. The applicant complained of his inability to repossess his pre-war property, located at Put za Raštane No. 5, West Mostar Municipality.
3. On 12 June 2003, the Chamber sent letters by registered mail to the applicant's contact address and pre-war address, asking him whether there had been any developments in his attempts to solve his housing problem since his last correspondence with the Chamber. Also, the Chamber asked the applicant to confirm whether he had repossessed his pre-war property. These letters specifically warned the applicant that if he did not respond, the Chamber might decide to strike out his application. However, both letters were returned to the Chamber with a note that the applicant has moved to England.

II. OPINION OF THE CHAMBER

4. 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 ... (c) for any ... reason established by the Chamber, it is no longer justified to continue the examination of the application; provided that such a result is consistent with the objective of respect for human rights."
5. Rule 46(6) of the Chamber's Rules of Procedure states that "applicants shall keep the Chamber informed of any change of their address".
6. The Chamber notes that it appears that the applicant has moved to England, but he has not provided the Chamber with any new contract address and has indeed not been in contact with the Chamber at all since the day he lodged the application. The Chamber's attempts to contact the applicant has been unsuccessful, since the letters addressed to him have been returned with a note indicating that he has moved to England. Contact with the applicant has, therefore, been lost. In the circumstances, the Chamber finds that it is no longer justified to continue the examination of the application and that it would not be inconsistent with the objective of respect for human rights to strike out the application. The Chamber therefore decides to strike out the application, pursuant to Article VIII(3)(c) of the Agreement.

III. CONCLUSION

7. 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