



DECISION TO STRIKE OUT

Case no. CH/99/3169

CITIZENS' ASSOCIATION FOR RETURN – SRPSKO GORAŽDE

against

THE REPUBLIKA SRPSKA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 4 July 2003 with the following members present:

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

Mr. Ulrich GARMS, Registrar
Ms. Olga KAPIĆ, Deputy Registrar
Ms. Antonia DE MEO, Deputy Registrar

Having considered the aforementioned applications 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 34, 49(2) and 52 of the Chamber’s Rules of Procedure:

I. INTRODUCTION

1. The application was introduced by Mr. Himzo Bajrović, the President of the “Citizens’ Association for Return – Srpsko Goražde” (*Udruženje Građana za Povratak – Srpsko Goražde*), on behalf of 250 persons of Bosniak origin from Kopači, a village in the vicinity of Goražde. They were collectively expelled from their village during the course of the armed conflict, and they now live in a provisional settlement in Goražde on the territory of the Federation of Bosnia and Herzegovina.
2. The association complains about the inability of the persons it represents to return to their homes.

III. PROCEEDINGS BEFORE THE CHAMBER

3. The application was filed on 16 November 1999.
4. On 24 March 2000, the Chamber sent a letter to Mr. Bajrović advising him that each of the 250 persons his association represents should file an individual application detailing all actions taken by them in pursuance of the aim to return to their homes. These new applications should be submitted as soon as possible, but not later than 1 June 2000. However, no such applications were ever received by the Chamber.
5. On 5 June 2003, the Chamber sent another letter to Mr. Bajrović, by registered mail, requesting him to update the developments in the case and to state whether he wanted to maintain his complaints. This letter specifically cautioned the applicant that if he did not respond to it within two weeks, the Chamber might decide to strike out the application. The letter was returned to the Chamber with the notation “moved”. The applicant did not provide the Chamber with any new contact address.

IV. 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. According to Rule 46(6) of the Chamber’s Rules of Procedures, applicants shall keep the Chamber informed of their change of address.
8. Considering that that the applicant’s representative has not informed the Chamber of his or the association’s current address and he has not responded to the letters sent to him, the Chamber can only conclude 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 decides to strike out the application pursuant to Article VIII(3)(a).

V. CONCLUSION

9. 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