



## **DECISION TO STRIKE OUT**

**Case no. CH/98/803**

**Mitar MRKONJIĆ**

**against**

**THE FEDERATION OF BOSNIA AND HERZEGOVINA**

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 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. FACTS**

1. The application was introduced on 27 July 1998 and registered on the same day.
2. The applicant complained of his inability to repossess his pre-war property, located at Vjekoslava Tunjića St. bb, in Puračić, Lukavac Municipality.
3. On 23 May 2002 and 16 July 2002, the Chamber sent letters by registered mail to the applicant's contact address and to the address of his pre-war property, 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. The letters specifically warned the applicant that if he did not respond, the Chamber might decide to strike out his application. The Chamber received the delivery receipts from its letters sent to the applicant's pre-war address, which were signed by the applicant. However, the applicant never responded to the Chamber's letters.

**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 (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."
5. Considering that the applicant has not responded to the letters from the Chamber, despite the express warning that a failure to respond might result in his application being struck out, the Chamber finds that the applicant does not intend to pursue the application. Moreover, the Chamber notes that it appears that the applicant has repossessed his pre-war apartment as the delivery receipt for the letter sent to that address was returned to the Chamber signed with the applicant's name. 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.

**III. CONCLUSION**

6. 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