



DECISION TO STRIKE OUT

Case no. CH/02/11161

Milan BOGUNOVIĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting in plenary session on 3 April 2003 with the following members present:

Ms. Michèle PICARD, President
Mr. Mato TADIĆ, Vice-President
Mr. Dietrich RAUSCHNING
Mr. Hasan BALIĆ
Mr. Rona AYBAY
Mr. Želimir JUKA
Mr. Jakob MÖLLER
Mr. Mehmed DEKOVIĆ
Mr. Giovanni GRASSO
Mr. Miodrag PAJIĆ
Mr. Manfred NOWAK
Mr. Vitomir POPOVIĆ
Mr. Viktor MASENKO-MAVI
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 Rule 49(2) of the Chamber’s Rules of Procedure:

I. INTRODUCTION

1. The applicant is a citizen of Bosnia and Herzegovina of Serb origin. The case concerns his claim that he was illegally detained and maltreated from 21 January 1996 to 12 February 1996 by the police of the Federation of Bosnia and Herzegovina. The applicant alleges that as a result of his detention he suffers from a serious damage to his health. He submitted medical documents showing that on 23 January 1997 he was diagnosed with diabetes from which he suffers until today.

II. PROCEEDINGS

2. The applicant originally applied to the Human Rights Ombudsperson for Bosnia and Herzegovina on 21 April 1998 in accordance with Article V of Annex 6. On 10 June 2002 the successor institution, the Human Rights Ombudsman of Bosnia and Herzegovina, forwarded the application and the supporting documents to the Chamber referring to Article 6 of the Law of the Human Rights Ombudsman.

3. On 15 November 2002 the Chamber transmitted the case to the respondent Party for its observations on admissibility and merits. On the same day the Chamber sent a letter by registered mail to the applicant's address as stated in his application informing him about the fact that his case was transmitted to the respondent Party. On 18 November 2002 the letter sent to the applicant came back to the Chamber as undeliverable because the applicant no longer lived at this address and his new address was unknown.

4. On 16 January 2003 the Chamber received the observations of the respondent Party. On 21 February 2003 the Chamber sent a letter by registered mail to the applicant's address as stated in the application containing a copy of the observations of the respondent Party and asking him for his comments. On 24 February 2003 the letter was returned to the Chamber as undeliverable because the applicant no longer lived at this address and his new address was unknown. On 20 March 2003 the Chamber again sent the second letter of the same content by registered mail to the applicant's address as stated in the application. On 27 March 2003 the second letter also was returned to the Chamber as undeliverable because the applicant no longer lived at this address and his new address was unknown.

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. According to Rule 46(6) of the Chamber's Rules of Procedures, applicants shall keep the Chamber informed of any change of their address.

7. The applicant has informed neither the office of the Human Rights Ombudsperson for Bosnia and Herzegovina to which he originally applied, nor the Chamber of his current address. Therefore the Chamber has been unable to establish any contact the applicant. However, in order to deal with the case the Chamber needs to be able to contact the applicant. The Chamber finds that the applicant should be aware of this fact. In order to effectively pursue his case he consequently must give a valid contact address to the institutions dealing with the case. Therefore 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 under 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)
Michèle PICARD
President of the Chamber