



DECISION TO STRIKE OUT

Case no. CH/98/1313

Azemira ŠULJAK

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

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

Ms. Michèle PICARD, President
Mr. Miodrag PAJIĆ, Vice-President
Mr. Dietrich RAUSCHNING
Mr. Hasan BALIĆ
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. INTRODUCTION

1. The application was introduced on 30 November 1998 and registered on the same day.
2. The case concerns the applicant's attempts to obtain the right to possess another apartment after her pre-war apartment was destroyed during the armed conflict. The applicant also complains that the company "Hidrogradnja" where her late husband worked, failed to pay her the reminder of unpaid salaries that her husband earned during his work on Hidrogradnja's building site in Libya.
3. On 16 April 2003, the Chamber sent a letter, by registered mail, to the applicant requesting her to state within 15 days whether she had initiated a lawsuit before the domestic courts to recover her late husband's unpaid salaries and whether she had asked to be reinstated into possession of her former apartment. The Chamber cautioned that if no response was received, the Chamber might decide to strike out the application. The applicant signed registered return receipt on 17 April 2003, but she failed to respond.

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 did not respond to the Chamber's letter, despite the express warning that a failure to do so might result in the application being struck out, the Chamber can only conclude that the applicant does not intend to pursue her 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) 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