



DECISION TO STRIKE OUT

Case no. CH/98/1327

Ljerka ŠANTIĆ-MALBAŠIĆ

against

**BOSNIA AND HERZEGOVINA
and
THE FEDERATION OF BOSNIA AND HERZEGOVINA**

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 2 April 2003 with the following members present:

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

1. The application was introduced and registered on 3 December 1998.
2. The case concerns the applicant's attempts to register herself as the legal owner of an apartment of the Yugoslav National Army ("JNA") located at Grbavička 33/IV in Sarajevo, the Federation of Bosnia and Herzegovina.
3. On 9 September 2002 and 11 December 2002, the Chamber sent letters by registered mail to the applicant asking her whether she wished to continue with her application before the Chamber. These letters were both returned to the Chamber with a notice from the post office that the person in question had moved.
4. The applicant has never informed the Chamber about any new address.

II. 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 their change of address.
7. Considering that the applicant has not informed the Chamber of her current address, and that the Chamber has been unable to reach the applicant, 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.

III. 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 First Panel