



DECISION TO STRIKE OUT

Case no. CH/98/1352

Stjepan BOŽIĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 10 January 2003 with the following members present:

Mr. Mato TADIĆ, President
Mr. Jakob MÖLLER
Mr. Mehmed DEKOVIĆ
Mr. Manfred NOWAK
Mr. Vitomir POPOVIĆ
Mr. Viktor MASENKO-MAVI

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 14 December 1998.
2. The applicant complained of his inability to repossess his pre-war apartment, located at Armije BiH K – 8, in Vareš.
3. On 31 July 2002 and 7 November 2002, the Chamber sent letters by registered mail to the applicant's contact address and to the address of the applicant's pre-war apartment, asking him if 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 if he had repossessed his pre-war apartment. 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 Marija Božić, the applicant's wife. 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 receipts for the letters sent to that address were returned to the Chamber with the signature of his wife. 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

6. For these reasons, the Chamber unanimously,

STRIKES OUT THE APPLICATION.

(signed)
Ulrich GARMS
Registrar of the Chamber

(signed)
Mato TADIĆ
President of the Second Panel