



DECISION TO STRIKE OUT

Case no. CH/98/1591

Mirko LOVRE

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 7 June 2000 with the following members present:

Ms. Michèle PICARD, President
Mr. Andrew GROTRIAN, Vice-President
Mr. Dietrich RAUSCHNING
Mr. Hasan BALIĆ
Mr. Želimir JUKA
Mr. Miodrag PAJIĆ

Mr. Anders MÅNSSON, Registrar
Ms. Olga KAPIĆ, 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) of the Agreement as well as Rules 49(2) and 52 of the Chamber's Rules of Procedure:

I. FACTS

1. The applicant, a citizen of Bosnia and Herzegovina, claims to be the owner of property, consisting of land and buildings, in Glamoč in the Federation of Bosnia and Herzegovina. He left Glamoč in 1995 due to the hostilities, and currently lives in Banja Luka.
2. The applicant claims that the Federation has expropriated his property without his permission.
3. On 13 May 1998 he applied to the Annex 7 Commission to be recognised as the owner of the property. He has not informed the Chamber of whether he has received a decision on this application to date. According to the information available to the Chamber, he applicant has not taken any other steps to regain possession of the property.

II. COMPLAINTS

4. The applicant complains that all of his human rights have been violated, due to his inability to regain possession of his property.

III. PROCEEDINGS BEFORE THE CHAMBER

5. The application was introduced on 1 December 1998 and registered on the same day. On 21 December 1998 the Chamber wrote to the applicant informing him of the number under which his case had been registered.
6. On 14 October 1999 the Chamber wrote to the applicant requesting certain further information from him. No reply was received to this letter. On 21 March 2000 the Chamber wrote to him again by registered post, asking him to reply to its letter of 14 October 1999 and enclosing a copy of that letter. He was informed that if he did not reply within three weeks, the Chamber might conclude that he no longer wished to proceed with his application and decide to strike it out of its list. On 24 March 2000 the Chamber received a certificate of delivery of this letter, signed by the applicant.

IV. OPINION OF THE CHAMBER

7. According to Article VIII(3) of the Agreement, the Chamber may at any point decide to strike out an application on the ground that (a) the applicant does not intend to pursue his application; (b) the matter has been resolved; or (c) for any other reason established by the Chamber, it is no longer justified to continue the examination of the case. In all these situations, however, a decision to strike out an application must be consistent with the objective of respect for human rights.
8. The Chamber notes that the applicant has not replied to any of the letters it has sent to him. The Chamber has received confirmation that the applicant received its letter of 21 March 2000 (see paragraph 6 above). The applicant has not been in contact with the Chamber since December 1998, the date of his lodging his application to the Chamber.
9. Accordingly, the Chamber concludes that the applicant does not intend to pursue his application. In these circumstances it is no longer justified to continue the examination of the case. Moreover, such an outcome would not be inconsistent with the objective of respect for human rights.

V. CONCLUSION

10. For these reasons, the Chamber, unanimously,

STRIKES OUT THE APPLICATION.

(signed)
Anders MÅNSSON
Registrar of the Chamber

(signed)
Michèle PICARD
President of the First Panel