



DECISION TO STRIKE OUT

Case no. CH/98/286

Zoran RANDELOVIĆ

against

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

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 7 November 2001 with the following members present:

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

Mr. Ulrich GARMS, 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) and Rule 52 of the Chamber's Rules of Procedure:

I. INTRODUCTION

1. The application was introduced on 2 February 1998. The applicant complains that he has been unable to regain possession of his apartment purchased from the JNA in 1992, which “was forcibly taken from him” on an unspecified date. The applicant claims that in May 1998 he applied to the Municipality of Sarajevo for repossession of the apartment pursuant to the Law on Cessation of the Application of the Law on Abandoned Apartments, and has received no reply. The applicant has not informed the Chamber whether he has attempted to pursue any other domestic remedies.

2. The last correspondence from the applicant was received by the Chamber on 8 November 1999. On 17 May 2000 the Chamber sent a letter via registered mail to the applicant requesting further information regarding the application. That letter requested a response within one month, and specified that the Chamber may not be able to consider his application absent the information requested. That letter was returned as the applicant apparently no longer resided at the address provided to the Chamber. On 6 July 2000 another letter was sent via registered mail to the applicant at his pre-war address as indicated in the file. This letter requested a response within three weeks, and specified that if no response was provided the Chamber may assume that the applicant did not wish to pursue his application. This letter was not returned, and no response has been received.

II. OPINION OF THE CHAMBER

3. 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.”

4. Considering that the applicant has not responded to the letters sent to him, and that, while it is incumbent upon the applicant to notify the Chamber of any change of address in order to allow the Chamber to consider the application, the applicant has failed to do so, the Chamber finds that the applicant does not intend to pursue the application, and that it cannot further consider the application without the ability to contact the applicant. 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 finds it appropriate to strike out the application.

III. CONCLUSION

5. For these reasons, the Chamber, unanimously,

STRIKES OUT THE APPLICATION

(signed)
Ulrich GARMS
Registrar of the Chamber

(signed)
Giovanni GRASSO
President of the Second Panel