



DECISION TO STRIKE OUT

Case no. CH/ 98/292

Mihajlo ĐUKANOVIĆ

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 4 February 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 Article VIII(3)(a) of the Agreement and Rules 49(2) and 52 of the Chamber's Rules of Procedure:

I. INTRODUCTION

1. The case concerns the applicant's attempts to confirm his ownership over his apartment, which he purchased from the former Yugoslav National Army ("JNA"), located at Ulica Ratka Vokića 6, Tuzla, the Federation of Bosnia and Herzegovina. The applicant did not state whether he was presently living in the apartment in question.
2. On 11 September 2002, the Federation of Bosnia and Herzegovina informed the Chamber that the applicant had never submitted a repossession claim for the apartment in question.
3. On 19 November 2002, the Chamber sent a letter via registered mail requesting the applicant to inform the Chamber as to any developments in the case, and whether the information submitted by the Federation of Bosnia and Herzegovina was correct. The Chamber cautioned the applicant that if he failed to respond, the Chamber might decide to strike out the application.
4. The letter was returned to the Chamber as undeliverable as the applicant no longer lives at that address. The applicant did not provide the Chamber with any other address or contact person.

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 his 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)
Mato TADIĆ
President of the Second Panel