



DECISION TO STRIKE OUT

Case no. CH/98/338

Dužanka GOJKOVIĆ

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 6 March 2003 with the following members present:

Mr. Mato TADIĆ, President
Mr. Jakob MÖLLER
Mr. Mehmed DEKOVIĆ
Mr. Giovanni GRASSO
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 Rule 52 of the Chamber's Rules of Procedure:

I. INTRODUCTION

1. The application was introduced on 13 February 1998 and registered on 10 April 1998. The case concerns the applicant's attempts to regain possession of her apartment, located at ulica Đure Salaja 6 in Sarajevo, which she purchased from the former Yugoslav National Army ("JNA") Housing Fund on 22 February 1992.
2. On 26 July 2001, the Chamber sent a letter, via registered mail, to the applicant's lawyer requesting him to inform the Chamber if there had been any progress in the proceedings before the national courts. The letter cautioned that if he did not respond to it, the Chamber might decide to strike out the application. The applicant's lawyer failed to respond to this letter.
3. On 4 October 2002, the Chamber sent another letter to the applicant's lawyer. On 14 October 2002, the Chamber received a letter from the applicant's lawyer in which he stated that he is no longer the applicant's representative, but that he had information that the applicant had succeeded in registering herself as the owner of the apartment in question.
4. On 6 November 2002, the Chamber sent a letter, via registered mail, to the applicant, requesting her to inform the Chamber as to the status of her case. The letter cautioned the applicant that if she did not respond to it, the Chamber might decide to strike out her application. The Chamber received the signed return receipt, but the applicant did not respond to the letter.
5. On 29 January 2003, the Chamber sent a second letter, via registered mail, to the applicant. The letter was returned to the Chamber as "unclaimed".

II. OPINION OF THE CHAMBER

6. 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."
7. According to Rule 46(6) of the Chamber's Rules of Procedures, applicants shall keep the Chamber informed of their change of address.
8. The Chamber notes that the applicant has not responded to any of the letters it sent to her. The applicant has not informed the Chamber of her current address, and the Chamber has been unable to contact the applicant. Additionally, the applicant has not been in contact with her representative. Considering all of these things, 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

9. 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