



## **DECISION TO STRIKE OUT**

**Case no. CH/98/539**

**Namik KULO**

**against**

**THE FEDERATION OF BOSNIA AND HERZEGOVINA**

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 4 July 2000 with the following members present:

Mr. Andrew GROTRIAN, Acting President  
Mr. Dietrich RAUSCHNING  
Mr. Hasan BALIĆ  
Mr. Rona AYBAY  
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 and Rule 52 of the Chamber's Rules of Procedure:

**I. FACTS**

1. The applicant is a citizen of Bosnia and Herzegovina and a former member of the Army of the Republic of Bosnia and Herzegovina. On 7 March 1995 the Municipal Secretariat for Housing Affairs in Sarajevo temporarily allocated an apartment to him and his family (Ulica Marcela Šnajdera 19). Their pre-war home (Ulica Patriotske Lige 11) was apparently devastated by shelling and is inhabitable. On 14 April 1998 the Administration for Housing Affairs in Sarajevo issued a decision terminating the applicant's right to use the apartment and ordering him to vacate it.

**II. COMPLAINTS**

2. The applicant alleges a violation of his right to property.

**III. PROCEEDINGS BEFORE THE CHAMBER**

3. The application was introduced on 8 May 1998 and registered on the same day. The applicant requested the Chamber to order the respondent Party as a provisional measure to prevent his eviction. The Chamber rejected this request on 13 May 1998.

4. On 29 July 1998 the Chamber invited the applicant to provide it with more information concerning his application. The applicant did not reply. On 9 May 2000 the Chamber sent another letter to the applicant in order to learn about the present stage of his case and informing him that failure to answer within one month from the receipt of this letter could result in his case being struck out. Again, there was no reply.

**IV. OPINION OF THE CHAMBER**

5. 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.

6. The Chamber notes that the applicant has not replied despite two requests to inform it of the latest developments in his case. It appears that the applicant does no longer wish to pursue his application. Therefore, the Chamber finds that it is no longer justified to continue the examination of the case. Moreover, such a result would not be inconsistent with the objective of respect for human rights.

**V. CONCLUSION**

7. For these reasons, the Chamber, unanimously,

**STRIKES OUT THE APPLICATION.**

(signed)  
Anders MÅNSSON  
Registrar of the Chamber

(signed)  
Andrew GROTRIAN  
Acting President of the First Panel