



DECISION TO STRIKE OUT

Case no. CH/98/656

Dževad KARIĆ

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 December 2002 with the following members present:

Mr. Viktor MASENKO-MAVI, Acting 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 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 register himself as the legal owner of an apartment of the Yugoslav National Army ("JNA") located at Patriotske lige 40/12 in Sarajevo, the Federation of Bosnia and Herzegovina.

2. The Chamber sent the applicant letters via registered mail on 24 July 2002 and 4 October 2002, requesting the applicant to inform the Chamber whether he had succeeded in registering himself as the lawful owner of the apartment in question, and if so, whether he wished to continue the proceedings before the Chamber. The letters warned the applicant that his application might be struck out if he failed to respond. The signed registered return receipts were returned to the Chamber, but the applicant failed to respond to the letters.

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. The Chamber notes that the applicant was invited on two occasions to update the Chamber as to whether he wished to continue the proceedings before the Chamber, and the applicant failed to respond. The Chamber can only conclude that the applicant does not wish to continue the proceedings before the Chamber. 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 pursuant to Article VIII(3) of the Agreement.

III. CONCLUSION

5. For these reasons, the Chamber, unanimously,

STRIKES OUT THE APPLICATION.

(signed)
Ulrich GARMS
Registrar of the Chamber

(signed)
Viktor MASENKO-MAVI
Acting President of the Second Panel