



DECISION TO STRIKE OUT

Case no. CH/98/685

Jovo DELIĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 6 June 2003 with the following members present:

Ms. Michèle PICARD, President
Mr. Miodrag PAJIĆ, Vice-President
Mr. Dietrich RAUSCHNING
Mr. Hasan BALIĆ
Mr. Želimir JUKA
Mr. Andrew GROTRIAN

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)(b) of the Agreement and Rules 49(2) and 52 of the Chamber's Rules of Procedure:

I. FACTS

1. The application was introduced on 11 June 1998.
2. The application concerns the applicant's request to repossess his pre-war house located at Goste Lazarevića St. no. 126, in Tuzla.
3. On 28 December 1998, the Chamber transmitted the application to the respondent Party for its observations on admissibility and merits under Articles 6 and 8 of the European on Human Rights (the "Convention") and Article 1 of Protocol No. 1 to the Convention.
4. On 26 February 1999, the respondent Party submitted its written observations on admissibility and merits. On 8 April 1999, the applicant submitted his observations in response.
5. On 12 June 2001, 23 May 2002 and 16 July 2002, the Chamber sent letters to the applicant asking if there had been any developments in his case. The last two letters specifically warned the applicant that if he did not respond, the Chamber might decide to strike out his application. The last letter was returned to the Chamber with a note that the applicant has "moved".

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/her application; ... provided that such result is consistent with the objective of respect for human rights."
7. Rule 46(6) of the Chamber's Rules of Procedure states that "applicants shall keep the Chamber informed of any change of their address".
8. The Chamber notes that the applicant did not respond to the Chamber's letters and now it appears that he has moved without informing the Chamber of any new contact address. In these circumstances, it is impossible for the Chamber to communicate with the applicant about his application. Accordingly, the Chamber concludes that the applicant does not intend to pursue his 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, pursuant to Article VIII(3)(a) of the Agreement.

III. CONCLUSION

9. For these reasons, the Chamber, unanimously,

STRIKES OUT THE APPLICATION.

(signed)
Ulrich GARMS
Registrar of the Chamber

(signed)
Michèle PICARD
President of the First Panel