



DECISION TO STRIKE OUT

Case no. CH/98/821

Danica VUJOVIĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 7 February 2003 with the following members present:

Ms. Michèle PICARD, President
Mr. Miodrag PAJIĆ, Vice-President
Mr. Dietrich RAUSCHNING
Mr. Hasan BALIĆ
Mr. Rona AYBAY
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)(a) of the Agreement and Rule 49(2) of the Chamber's Rules of Procedure:

I. INTRODUCTION

1. The application was introduced on 31 July 1998 and registered on the same day.
2. The case concerns the applicant's attempts to regain possession of her office space located at ulica Kranjčevićeva bb in Sarajevo, the Federation of Bosnia and Herzegovina.
3. On 27 September 2002, the Chamber sent a letter to the applicant's representative, via registered mail, requesting him to inform the Chamber whether the applicant had repossessed the office space. As the return receipt came back to the Chamber unsigned, the Chamber called the representative to confirm his address. At that time, the representative informed the Chamber that the matter was resolved over three years ago before the domestic court and that the applicant had moved to Canada. The representative did not have any contact address for the applicant.
4. On 6 November 2002, the Chamber sent a second letter to the applicant's representative, via registered mail, requesting him to inform the Chamber whether the matter was resolved, and if it was, to clarify whether the applicant wished to continue the proceedings before the Chamber. The Chamber cautioned the representative that if he failed to respond, the Chamber might decide to strike out the application. The representative signed the registered return receipt, but failed to respond.

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. Rule 46(6) of the Chamber's Rules of Procedure provides that "applicants shall keep the Chamber informed of any change of their address and of all circumstances relevant to the application."
7. Considering that the applicant's representative did not respond to the Chamber's letters, and that the applicant has not informed the Chamber of her new address, nor apparently her representative, 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)
Michèle PICARD
President of the First Panel