



DECISION TO STRIKE OUT

Case no. CH/98/857

Lazar ZUBAC

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

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

Ms. Michèle PICARD, President
Mr. Andrew GROTRIAN, Vice-President
Mr. Dietrich RAUSCHNING
Mr. Hasan BALIĆ
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 Rules 49(2) and 52 of the Chamber’s Rules of Procedure:

FACTS

1. The applicant is a citizen of Bosnia and Herzegovina. He is the holder of the occupancy right over an apartment located at Džemala Bijedića Street no. 69 in Sarajevo which he left before the war for private reasons.
2. On some unspecified date he submitted a request for repossession of his apartment to the Federation Ombudsmen and to the Commission for Real Property Claims of Displaced Persons and Refugees.
3. On 15 June 1998 the Federation Ombudsmen replied to the applicant that he should submit his request to the Cantonal Administration of Housing Affairs. There is no evidence that he did that.

I. COMPLAINTS

4. The applicant complains of violations of his rights to peaceful enjoyment of his possessions and to respect for his home.

III. PROCEEDINGS BEFORE THE CHAMBER

5. The application was introduced to and registered with the Chamber on 10 August 1998.
6. On 15 March 2000 the applicant was requested by the Chamber to submit documents proving that he had exhausted the domestic remedies available. However, the applicant did not answer within the one month time-limit fixed for that purpose.
7. On 25 May 2000 the Chamber reiterated its request to the applicant. This letter was returned to the Chamber because the applicant no longer resides at the address known to the Chamber. He did not inform the Chamber of his change of address.

IV. OPINION OF THE CHAMBER

8. 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 application. In all these situations, however, a decision to strike out an application must be consistent with the objective of respect for human rights.
9. In the present case, the Chamber notes that the applicant did not react to the Chamber's request for information. Moreover, the applicant has not been in contact with the Chamber since he introduced his application on 10 August 1998 and he has not informed the Chamber of his change of address.
10. In these circumstances, the Chamber finds that the applicant does not intend to pursue his application. Thus, it is no longer justified to continue the examination of the application. Moreover, such an outcome would not be inconsistent with the objective of respect for human rights.

V. CONCLUSION

11. For these reasons, the Chamber, unanimously,

STRIKES OUT THE APPLICATION.

(signed)
Anders MÅNSSON
Registrar of the Chamber

(signed)
Michèle PICARD
President of the Chamber