



DECISION TO STRIKE OUT

Case no. CH/98/869

Nikola KRSTIĆ

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

I. INTRODUCTION

1. The application was introduced on 13 August 1998 and registered on the same day. The applicant is represented by Ms. Senka Nožica.
2. The applicant complained of his inability to repossess the second floor apartment in his pre-war house located at Ulica Zelenih Beretki 9 in Sarajevo, the Federation of Bosnia and Herzegovina.
3. On 3 October 2002, the Chamber sent a letter via registered mail to the applicant and the applicant's representative requesting an update on the status of the case.
4. The letter sent to the applicant came back to the Chamber as undeliverable. The applicant's representative informed the Chamber that she had lost contact with the applicant but that she could attempt to locate the applicant if needed. On 19 November 2002, the Chamber again requested the representative to assist the Chamber in contacting the applicant. The applicant's representative did not reply.
5. The applicant has never informed the Chamber about any new address.

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 application; ... provided that such a result is consistent with the objective of respect for human rights."
7. According to Rule 46(6) of the Chamber's Rules of Procedures, applicants shall keep the Chamber informed of their change of address.
8. The applicant has not informed the Chamber of his current address and the Chamber has been unable to reach the applicant. Additionally, the applicant has not been in contact with his representative. Considering all of these things, 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

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