



DECISION TO STRIKE OUT

Case no. CH/98/945

Duško ŠLJIVAR

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 6 March 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 as well as Rules 49(2) and 52 of the Chamber's Rules of Procedure:

I. INTRODUCTION

1. The application was introduced on 14 September 1998. The applicant complains of the non-enforcement of a procedural decision of the Municipality Ilidža of 14 November 1997. By that decision, the applicant was entitled to regain possession of his pre-war property in Ilidža and the right of the temporary occupant to use the property was terminated.

2. The applicant complains that his rights protected under Articles 6 and 14 of the European Convention on Human Rights (the "Convention") and Article 1 of Protocol No. 1 to the Convention have been violated.

3. On 19 July 2002, the Chamber sent a letter by registered mail to the applicant asking whether he had succeeded in repossessing his property. This letter specifically warned the applicant that if he did not respond to it, the Chamber might decide to strike out the application. According to the delivery receipt, the applicant received this letter on 23 July 2002. However, the Chamber has not received any answer from the applicant and the deadline set for the answer has expired.

II. OPINION OF THE CHAMBER

4. 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."

5. The Chamber notes that the applicant has not replied to the letter it sent to him, although this letter specifically warned him that a failure to respond might result in his application being struck out. Therefore, the Chamber finds that the applicant does not intend to pursue the application and that it cannot further consider the application without the applicant's cooperation. 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

6. 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