



DECISION TO STRIKE OUT

Case no. CH/99/1645

Verica TUZLIĆ

against

**BOSNIA AND HERZEGOVINA
and
THE FEDERATION OF BOSNIA AND HERZEGOVINA**

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 4 July 2003 with the following members present:

Ms. Michèle PICARD, President
Mr. Miodrag PAJIĆ, Vice-President
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 Article VIII(3)(c) of the Agreement and Rules 49(2) and 52 of the Chamber's Rules of Procedure:

I. INTRODUCTION

1. The applicant complains that her rights to work and to lawful protection against arbitrariness of individuals in the judiciary have been violated.

II. FACTS

2. The applicant was employed by "Bosna Auto – Holding" DD "Trgovina" (hereinafter: the "Company"). In April 1996, the applicant was delivered a procedural decision on termination of her employment with the Company for not coming to work and non-justified absence. The applicant alleges that she spent the entire armed conflict in Sarajevo inside the blockaded Dobrinja (at the address Trg Sarajevske olimpijade no. 3).

3. The applicant appealed the decision. On 14 February 1997, the general director of the Company issued a new procedural decision terminating the applicant's employment as of 20 May 1993.

4. On 17 March 1997, the applicant filed an action before the Municipal Court I (hereinafter: the "Court") against the Company requesting cancellation of the procedural decision on termination of employment. On 26 January 1998, the Court issued a judgment rejecting the applicant's request.

5. On 10 April 1998, the applicant filed an appeal against the judgment of 26 January 1998. On 28 May 1998, the defendant (the Company) submitted a reply to the appeal. On 25 June 1998, an order was issued to transfer the case to the Cantonal Court in Sarajevo as the competent court to conduct proceedings on the appeal. On 20 October 1998, the case file was so transferred to the Cantonal Court in Sarajevo for proceedings on the appeal.

6. The Chamber has no further information in relation to the applicant's case.

III. PROCEEDINGS BEFORE THE CHAMBER

7. The application was introduced on 26 February 1999 and registered on 27 February 1999.

8. On 28 November 2002, the Chamber sent a letter to the applicant requesting information on the proceedings before the domestic bodies and supporting evidence. The applicant submitted her response only on 18 February 2003, without any supporting documentation.

9. On 17 March 2003, the Chamber again sent a letter to the applicant, via registered mail, requesting her to submit all valid documentation within two weeks. On 19 March 2003, the applicant's subtenant signed the registered return receipt, but the applicant did not reply. On 7, 8, and 9 April 2003, the Registry of the Chamber attempted to contact the applicant by telephone. On 9 April 2003, the Registry spoke to the applicant's subtenant and he said that the applicant was not living in the apartment and he did not know when she would return.

10. On 14 May 2003, the Registry sent a third letter to applicant, via registered mail, requesting her to submit all valid documentation within ten days. The Chamber cautioned the applicant that if she failed to respond, the Chamber might decide to strike out her application. On 23 May 2003, letter was returned to the Chamber with a notice that information about the letter had been left at the applicant's door, but she did not retrieve the letter from the post office.

IV. OPINION OF THE CHAMBER

11. 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 ... (c) for any ... reason established by the Chamber, it is no longer justified to continue the examination

of the application; provided that such a result is consistent with the objective of respect for human rights.”

12. Rule 46(6) of the Chamber’s Rules of Procedure states that “applicants shall keep the Chamber informed of any change of their address and of all circumstances relevant to the application”.

13. The Chamber notes that its attempts to contact the applicant have been unsuccessful, since she has either failed to respond to the letters or, most recently, the letter has been returned to the Chamber by the postal authorities, indicating that the applicant failed to retrieve it after being notified of it. The applicant has further failed to provide the Chamber with any new contact address, making it impossible for the Chamber to communicate with her about her application. In the circumstances, the Chamber finds that it is no longer justified to continue the examination of the application and that it would not be inconsistent with the objective of respect for human rights to strike out the application. The Chamber therefore decides to strike out the application pursuant to Article VIII(3)(c) of the Agreement.

V. CONCLUSION

14. 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