



DECISION TO STRIKE OUT

Case no. CH/99/2054

I.P.

against

**THE REPUBLIKA SRPSKA, THE FEDERATION OF BOSNIA AND HERZEGOVINA
and
BOSNIA AND HERZEGOVINA**

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 3 July 2003 with the following members present:

Mr. Mato TADIĆ, President
Mr. Jakob MÖLLER, Vice-President
Mr. Mehmed DEKOVIĆ
Mr. Giovanni GRASSO
Mr. Manfred NOWAK
Mr. Vitomir POPOVIĆ
Mr. Viktor MASENKO-MAVI

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)(c) of the Agreement and Rules 46(6), 49(2) and 52 of the Chamber's Rules of Procedure:

I. INTRODUCTION

1. The application was introduced on 16 April 1999 and registered on the same day.
2. The case concerns the applicant's attempts to prevent his eviction from an apartment that he temporarily used located within the territory of the Federation of Bosnia and Herzegovina, and to regain possession of his pre-war property located within the territory of the Republika Srpska.
3. The applicant requested the Chamber to issue an order for a provisional measure preventing his eviction. On 16 April 1999, the Chamber rejected the request for a provisional measure.
4. On 19 May 1999, the Chamber sent a letter to the applicant. This letter was returned to the Chamber with the notation "moved".
5. On 14 May 2003, the Chamber sent a new letter, via registered mail, to the applicant requesting an update on the status of the case within two weeks. The Chamber cautioned that if no response was received, the Chamber might decide to strike out the application. This letter was returned to the Chamber with the notation "moved". The applicant did not provide the Chamber with any new contact 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 ... (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."
7. Rule 46(6) of the Chamber's Rules of Procedure states that "applicants shall keep the Chamber informed of any change of their address".
8. The Chamber notes that the applicant has had no contact with the Chamber since the submission of his application. The Chamber's attempts to contact the applicant have been unsuccessful, since the letters addressed to him have been returned to the Chamber by the postal authorities, indicating that the applicant has "moved". The applicant has further failed to provide the Chamber with any new contact address. Contact with the applicant has, therefore, been lost. In these 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.

III. CONCLUSION

9. For these reasons, the Chamber, unanimously,

STRIKES OUT THE APPLICATION.

(signed)
Ulrich GARMS
Registrar of the Chamber

(signed)
Mato TADIĆ
President of the Second Panel