



DECISION TO STRIKE OUT

Case nos. CH/99/2867 and CH/99/2895

Enver IMAMOVIĆ and Dušan NIKIĆ

against

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 applications 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 34, 46(6), 49(2) and 52 of the Chamber’s Rules of Procedure:

I. INTRODUCTION

1. In the following cases the Chamber attempted to contact the applicants to obtain updated information on their applications, but they failed to respond to the Chamber's requests.
2. Considering the similarity between the facts of the cases and the complaints of the applicants, the Chamber decided to join the present applications in accordance with Rule 34 of the Chamber's Rules of Procedure on the same day it adopted the present decision.

II. FACTS AND PROCEEDINGS BEFORE THE CHAMBER

A. CH/99/2867 Enver IMAMOVIĆ

3. The application was introduced on 13 September 1999 and registered on 21 September 1999.
4. The case concerns the applicants' attempts to regain possession of his pre-war property located in Busovača, the Federation of Bosnia and Herzegovina.
5. On 14 May 2003, the Chamber sent a 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. The letter was returned to the Chamber with the notation "moved". The applicant did not provide to the Chamber any new contact address.

B. CH/99/2895 Dušan NIKIĆ

6. The application was introduced on 22 September 1999 and registered on 27 September 1999.
7. The case concerns the applicants' attempts to regain possession of his pre-war property located in Lukavac, the Federation of Bosnia and Herzegovina.
8. On 14 May 2003, the Chamber sent a 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. The letter was returned to the Chamber with the notation "moved". The applicant did not provide to the Chamber any new contact address.

III. OPINION OF THE CHAMBER

9. 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."
10. Rule 46(6) of the Chamber's Rules of Procedure states that "applicants shall keep the Chamber informed of any change of their address".
11. The Chamber notes that its attempts to contact the applicants have been unsuccessful, since the letters addressed to them have been returned to the Chamber by the postal authorities, indicating that the applicants have "moved". The applicants have further failed to provide the Chamber with any new contact address. Contact with the applicants has, therefore, been lost. In the circumstances, the Chamber finds that it is no longer justified to continue the examination of the applications and

that it would not be inconsistent with the objective of respect for human rights to strike out the applications. The Chamber therefore decides to strike out the applications pursuant to Article VIII(3)(c) of the Agreement.

IV. CONCLUSION

12. For these reasons, the Chamber, unanimously,

STRIKES OUT THE APPLICATIONS.

(signed)
Ulrich GARMS
Registrar of the Chamber

(signed)
Michèle PICARD
President of the First Panel