



DECISION TO STRIKE OUT

CASE No. CH/99/3329

O.F.

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 6 September 2002 with the following members present:

Ms. Michèle PICARD, President
Mr. Dietrich RAUSCHNING
Mr. Hasan BALIĆ
Mr. Želimir JUKA
Mr. Miodrag PAJIĆ
Mr. Andrew GROTRIAN

Mr. Ulrich GARMS, Registrar
Ms. Olga KAPIĆ, 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 as well as Rule 52 of the Chamber's Rules of Procedure:

I. INTRODUCTION

1. The application was introduced on 10 December 1999. The applicant complained that in June 1996 he was unlawfully arrested by the Military police of the Croatian Defence Council and detained in military prison "Heliodrom" near Mostar more than 6 months, where he was tortured. On 15 December 1996 he was transferred to the Police station in Livno, where he was kept for 15 days without any food. On 1 January 1997, at 2.00 a.m. he escaped from the Police station in Livno jumping through the window and running all the way to a camp of SFOR.
2. On 30 December 1999 the applicant submitted his new address.
3. On 13 January 2000 and 17 September 2001 the Chamber sent a letter by registered mail asking whether the applicant had initiated any proceedings before domestic organs in order to obtain compensation for unlawful detention and maltreatment.
4. On 18 January 2000 and 19 September 2001 the letters were returned to the Chamber. The envelope bears a post office stamp to the effect that the applicant is unknown on the address he submitted to the Chamber on 30 December 1999. The applicant has never informed the Chamber of a new address.

II. OPINION OF THE CHAMBER

5. 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."
6. The Chamber notes, in view of the fact that the applicant has made it impossible for the Chamber to contact him by not providing his new address, it is no longer justified to continue the examination of 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

7. 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