



DECISION TO STRIKE OUT

Case no. CH/99/3359

Edhem FEJZIĆ

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 and Rule 49(2) of the Chamber's Rules of Procedure:

I. INTRODUCTION

1. The application was introduced on 15 December and registered on the same day.
2. The applicant complains that he was unable to regain possession of his apartment in Jajce. He alleges a violation of his right to return, his right to home as protected by Article 8 of the European Convention on Human Rights (the "Convention") and his right to peaceful enjoyment of possessions as protected by Article 1 of Protocol No. 1 to the Convention.
3. On 17 September 2002, the Chamber sent the applicant a letter by registered mail asking him to provide additional information. This letter specifically cautioned the applicant that if he did not respond to it, the Chamber might conclude that he no longer wished to proceed with his application and decide to strike it out. According to the signed certificate of delivery, the applicant received this letter, but he did not reply to it. On 23 January 2003, the Chamber sent the applicant a second letter by registered mail, again asking him to provide more information and again cautioning him that a failure to respond might result in his application being struck out. According to the signed certificate of delivery, the applicant received this second letter, but he did not reply to it either.

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 received two letters from the Chamber asking him for additional information on his case and cautioning him that a failure to respond might result in his application being struck out. Although he received these letters, he did not respond to them. As a result, the Chamber concludes that the applicant does not intend to pursue his application before the Chamber. 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