



DECISION TO STRIKE OUT

Cases nos. CH/00/5556, CH/01/6807, CH/01/6893 and CH/01/7521

Dušanka ĐURIĆ, Đukan LATINVIĆ, Milovan JANJIĆ and Žarko BUDALIĆ

against

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

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 7 February 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 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 Article VIII(3)(a) of the Agreement and Rules 49(2) and 52 of the Chamber's Rules of Procedure:

I. INTRODUCTION

A. CH/00/5556 Dušana ĐURIĆ

1. The application was introduced on 14 August 2000. The applicant complained of her inability to repossess her pre-war apartment, located at Danijela Ozme no. 1b, in Sarajevo.
2. The Chamber was informed by the Commission for Real Property Claims of Displaced Persons and Refugees ("CRPC") that the applicant was reinstated into her apartment on 21 January 2001.
3. On 13 June 2001, the Chamber sent a letter to the applicant asking her to confirm her reinstatement, but the applicant did not respond to this letter. On 20 July 2001, the Chamber sent another letter to the applicant, by registered mail, to two different addresses of the applicant asking her to confirm her reinstatement. According to the delivery receipt, the applicant's husband received this letter on 27 July 2001 at the applicant's contact address. The letter that was sent to her pre-war apartment was returned with notation "unknown". The applicant did not respond to this letter.

B. CH/01/6807 Đukan LATINVIĆ

4. The application was introduced on 4 January 2001. The applicant complained of his inability to repossess his pre-war apartment, located at Jošanička no. 161, in Sarajevo.
5. On 6 March 2001, the Chamber transmitted the application to the Federation of Bosnia and Herzegovina for its observations on the admissibility and merits under Article 8 and 14 of the European Convention on Human Rights (the "Convention") and Article 1 of Protocol No. 1 to the Convention.
6. On 6 April 2001, the respondent Party submitted its observations. On 5 November 2001, the respondent Party submitted additional information. On 19 February 2002, the respondent Party submitted further observations stating that the applicant had been reinstated into possession of his apartment on 14 January 2002.
7. On 12 March 2002, the Chamber sent a letter by registered mail to the applicant at his contact address asking him to confirm that he had been reinstated into possession of his apartment, but the applicant did not respond to this letter. On 11 November 2002, the Chamber sent another letter to the applicant by registered mail to the address of his pre-war apartment. This letter was returned to the Chamber with the notation "moved".

C. CH/01/6893 Milovan JANJIĆ

8. The application was introduced on 20 February 2001. The applicant complained of his inability to repossess his pre-war apartment, located at Muhameda efendije Pandže no. 393, in Sarajevo.
9. On 19 February 2002, the applicant informed the Chamber that he had been reinstated into possession of his apartment on 26 June 2001.
10. On 11 November 2002, the Chamber sent a letter by registered mail to the applicant asking him whether he considers the matter raised in his application to be resolved. The applicant did not respond to this letter and the deadline set for his answer has expired.

D. CH/01/7521 Žarko BUDALIĆ

11. The application was introduced on 16 March 2001. The applicant complained of his inability to repossess his pre-war apartment, located at Ulica Alekse Šantića no. 65, in Mostar.

12. On 14 November 2001, the Chamber transmitted the application to the Federation of Bosnia and Herzegovina for its observations on the admissibility and merits under Article 8 and 6 of the Convention and Article 1 of Protocol No. 1 to the Convention.

13. On 14 December 2001, the respondent Party submitted its observations. On 4 September 2002, the respondent Party submitted further observations stating that the applicant had been reinstated into possession of his apartment on 20 August 2002.

14. On 6 September 2002, the Chamber sent a letter by registered mail to two different addresses of the applicant asking him to confirm that he had been reinstated into possession of his apartment, but he did not respond to this letter and the deadline set for his answer has expired.

II. OPINION OF THE CHAMBER

15. 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.”

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

17. The Chamber notes that in each application there is evidence that the applicant has been reinstated into possession of his or her pre-war apartment, which was the matter raised in the respective applications. In each case the Chamber wrote to the applicant asking him or her to confirm his reinstatement and to state whether he or she considered the matter resolved. The applicants have not responded to these letters and some have failed to inform the Chamber of their most recent addresses, making it impossible for the Chamber to reach them and communicate with them about their applications. Considering all of these things, the Chamber can only conclude that the applicants do not intend to pursue their applications. Furthermore, the Chamber finds no special circumstances regarding respect for human rights which require the examination of the applications to be continued. The Chamber therefore decides to strike out the applications pursuant to Article VIII(3)(a) of the Agreement.

III. CONCLUSION

18. 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