



## **DECISION TO STRIKE OUT**

**Case no. CH/98/190**

**Ljubiša and Smilja JOVANOVIĆ**

**against**

**THE REPUBLIKA SRPSKA**

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 1 April 2003 with the following members present:

Mr. Mato TADIĆ, President  
Mr. Jakob MÖLLER  
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)(a) of the Agreement and Rules 49(2) and 52 of the Chamber's Rules of Procedure:

## **I. INTRODUCTION**

1. The application was introduced on 8 December 1997 with the Ombudsperson for Bosnia and Herzegovina. On the same day the Ombudsperson for Bosnia and Herzegovina referred the case to the Chamber.
2. The Chamber transmitted the application to the respondent Party for its observations on admissibility and merits which were due on 27 June 1998. No such observations were received.
3. The applicants complained of their inability to repossess their pre-war house, located at Ulica Vojvode putnika no. 73 in Višegrad, the Republika Srpska.
4. On 11 December 2002, the Chamber sent a letter via registered mail to the applicants requesting them to inform the Chamber whether the matter was resolved, and if so, to clarify whether they wished to continue the proceedings before the Chamber. The applicants signed the registered return receipt which the Chamber received on 30 December 2002, but failed to respond.
5. On 23 January 2003, the Chamber sent a second letter via registered mail to the applicants requesting again an update on the status of the case. Again, the Chamber received a return receipt confirming that the applicants received the letter.
6. On 12 February 2003, the Chamber sent a third letter via registered mail to the applicants again requesting an update on the status of the case for the third time, and also received a return receipt confirming that the applicants received the letter.
7. In all three letters the Chamber cautioned the applicants that if they failed to respond within two weeks from the date of each letter, the Chamber might decide to strike out the application. The applicants never responded to any of the Chamber's letters.

## **II. OPINION OF THE CHAMBER**

8. 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."
9. Considering that the applicants did not respond to the Chamber's letters, the Chamber can only conclude that the applicants do not intend to pursue their 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**

10. 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