



DECISION TO STRIKE OUT

Case nos. CH/99/3238 and CH/00/5519

F.A. and Jasmin MILETIĆ

against

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

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 2 April 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 34, 46(6), 49(2) and 52 of the Chamber's Rules of Procedure:

I. INTRODUCTION

1. In these applications the applicants have not informed the Chamber of their current addresses and the Chamber has been unable to contact the applicants.
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

A. CH/99/3238 F. A.

3. The application was introduced on 29 November 1999 and registered on the same day.
4. The applicant complained of her inability to repossess her pre-war apartment, located at Ulica Pere Kosorića no. 16, in Rogatica.
5. On 20 September 2002, the Chamber sent a letter via registered mail to the applicant requesting an update on the status of the case.
6. The letter sent to the applicant was returned to the Chamber as undeliverable. On 12 February 2003, the Chamber sent a second letter via registered mail to the applicant's pre-war address. The second letter was also returned to the Chamber as undeliverable.
7. The applicant did not provide the Chamber with any other address or contact person.

B. CH/00/5519 Jasmin MILETIĆ

8. The application was introduced on 7 August 2000 and registered on the same day.
9. On 10 December 1999, the Municipal Court II in Sarajevo issued a procedural decision ordering the applicant, as an illegal occupant, to vacate the apartment he occupied within 15 days. On 19 July 2000, the Municipal Court II issued a decision ordering that the forcible eviction of the applicant shall be carried out on 15 August 2000.
10. The applicant requested the Chamber to issue a provisional measure suspending his eviction from the apartment he was occupying in Sarajevo until he repossessed his apartment in Trebinje. There is no evidence that the applicant submitted a request for repossession of his apartment in Trebinje to the domestic organs.
11. On 11 August 2000, the Chamber rejected the provisional measure requested.
12. On 14 August 2000, before the date of the scheduled eviction, the Chamber sent a letter to the applicant. The delivery receipt was returned to the Chamber with the notation "moved".
13. Since that date, the applicant has not provided the Chamber with any other address or contact person.

III. OPINION OF THE CHAMBER

14. 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."

15. According to Rule 46(6) of the Chamber's Rules of Procedures, applicants shall keep the Chamber informed of their change of address.

16. Considering that the applicants have not informed the Chamber of their current addresses, and that the Chamber has been unable to reach them, the Chamber can only conclude that the applicants do not intend to pursue their respective 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.

IV. CONCLUSION

17. For these reasons, the Chamber, unanimously,

**JOINS THE APPLICATIONS
and
STRIKES OUT THE APPLICATIONS.**

(signed)
Ulrich GARMS
Registrar of the Chamber

(signed)
Michèle PICARD
President of the First Panel