



DECISION TO STRIKE OUT

Case nos. CH/99/1556, CH/99/2144 and CH/99/3002

Vidosava BELAK, Desanka BERA and D. P.

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

and

Case no. CH/99/3174

Zahida ALIĆ

against

THE REPUBLIKA SRPSKA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 7 May 2003 with the following members present:

Mr. Mato TADIĆ, President
Mr. Jakob MÖLLER
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 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 to Article VIII(3)(b) of the Agreement and Rules 34, 49(2) and 52 of the Chamber's Rules of Procedure:

I. INTRODUCTION

1. In the following cases the Chamber attempted to contact the applicants to obtain confirmation of their reinstatement into possession of their apartments, but they failed to respond to the Chamber's requests.

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.

A. CH/99/1556 Vidosava BELAK

3. The application was introduced and registered on 10 February 1999.

4. The case concerns the applicant's attempts to regain possession of her apartment located at Ulica Đure Jakšića no. 14, in Sarajevo.

5. On 25 February 2003, the Federation of Bosnia and Herzegovina (the "Federation") informed the Chamber that the applicant had repossessed her apartment on 15 February 1999.

6. On 28 February and 17 March 2003, the Chamber sent letters via registered mail to the applicant's pre-war address and contact address asking her to confirm this information within three weeks, and to inform the Chamber whether she wishes to continue the proceedings before the Chamber. The Chamber cautioned the applicant that if she failed to respond, it might decide to strike out the application. The letters were returned to the Chamber with the notation "unknown".

B. CH/99/3174 Zahida ALIĆ

7. The application was introduced on 15 November 1999 and registered on 17 November 1999.

8. The applicant complained of her inability to repossess her pre-war property located at Ulica Banjalučka no. 64-Buljuk, in Novi Grad, the Republika Srpska.

9. According to information received from the Commission for Real Property Claims, the applicant has repossessed her pre-war property in Novi Grad.

10. The Chamber sent letters via registered mail to the applicant on 27 September 2002, to her contact address in Sanski Most, as well as to her pre-war address in Novi Grad asking her to confirm this information. Both letters were returned to the Chamber as undeliverable. The post office in Sanski Most noted that the person at that address had moved to Novi Grad. The returned letter sent to her pre-war address in Novi Grad noted that the addressee never picked up the letter from the post office.

11. On 12 February 2003, the Chamber sent a second letter, via registered mail, to the applicant at both addresses, as mentioned above, and both letters were returned to the Chamber as undeliverable, with the same notations from the post offices.

C. CH/99/2144 Desanka BERA

12. The application was introduced on 10 May 1999 and registered on 11 May 1999.

13. The case concerns the applicant's attempts to regain possession of her apartment located at Ulica Nekeza Smailagića no. 17/12, in Sarajevo.

14. On 25 February 2003, the Federation informed the Chamber that the applicant had repossessed her apartment on 16 February 2001.

15. On 28 February and 17 March 2003, the Chamber sent letters via registered mail to the applicant's pre-war address and contact address asking her to confirm this information within three weeks, and to inform the Chamber whether she wishes to continue the proceedings before the Chamber. The Chamber cautioned the applicant that if she failed to respond, it might decide to strike out the application. The letters were returned to the Chamber with the notation "unknown".

D. CH/99/3002 D.P.

16. The application was introduced on 12 October 1999 and registered on 15 October 1999.

17. The case concerns the applicant's attempts to regain possession of her apartment located at Ulica Lajoša Košute no. 31/1, in Sarajevo.

18. On 25 February 2003, the Federation informed the Chamber that the applicant had repossessed her apartment on 3 June 2002.

19. On 28 February and 17 March 2003, the Chamber sent letters via registered mail to the applicant's pre-war address and contact address asking her to confirm this information within three weeks, and to inform the Chamber whether she wishes to continue the proceedings before the Chamber. The Chamber cautioned the applicant that if she failed to respond, it might decide to strike out the application. The letters were returned to the Chamber with the notation "unknown".

II. OPINION OF THE CHAMBER

20. 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 ... (b) the matter has been resolved; ... provided that such a result is consistent with the objective of respect for human rights."

21. Considering that the Chamber has received information that the applicants have entered into possession of their pre-war apartments or property, the Chamber finds that the matter raised in the applications has been resolved. 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)(b) of the Agreement.

III. CONCLUSION

22. For these reasons, the Chamber, unanimously,

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

(signed)
Ulrich GARMS
Registrar of the Chamber

(signed)
Mato TADIĆ
President of the Second Panel