DECISION TO STRIKE OUT

Case no. CH/99/1601

Jure GALIĆ

against

BOSNIA AND HERZEGOVINA
and
THE FEDERATION OF BOSNIA AND HERZEGOVINA

Case no. CH/02/9891

Mato STJEPANOVIĆ

against

BOSNIA AND HERZEGOVINA

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

Ms. Michèle PICARD, President
Mr. Miodrag PAJIĆ, Vice-President
Mr. Dietrich RAUSCHNING
Mr. Hasan BALIĆ
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 to Article VIII(3)(a) 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 updated information on their applications, but they failed to respond to the Chamber's request.

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.

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3.   The application was introduced on 17 February 1999 and registered on the same day.

4.   The case concerns the applicant's attempts to regain possession of his apartment located at Ulica Mustafe Golubića no. 15 in Sarajevo.

5.   On 6 November and 11 December 2002, the Chamber sent letters to the applicant's contact address. Both letters were sent via registered mail, requesting him to inform the Chamber whether the matter was resolved, and if it was, to clarify whether he wished to continue the proceedings before the Chamber. The Chamber cautioned the applicant that if he failed to respond, the Chamber might decide to strike out the application. The applicant's neighbour signed both registered return receipt on 8 November and 12 December 2002.

6.   On 21 March 2003, the Chamber sent a similar letter to the applicant's pre-war address. The letter was received on 27 March 2003. However, the Chamber received no response.

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7.   The application was introduced on 08 April 2002 and registered on the same day.

8.   The applicant complained of his inability to repossess his pre-war house, located in Krepšić, Brčko.

9.   On 29 January and 21 March 2003, the Chamber sent letters via registered mail to the applicant's contact address requesting an update on the status of his case. The applicant's wife signed the registered return receipts. However, the applicant failed to respond.

II.   OPINION OF THE CHAMBER

10.   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."

11.   Considering that the applicants did not respond to any of the Chamber's letters, 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 pursuant to Article VIII(3)(a) of the Agreement.

III. CONCLUSION

12. For these reasons, the Chamber, unanimously,

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

(signed)   (signed)
Ulrich GARMS   Michèle PICARD
Registrar of the Chamber   President of the First Panel