



DECISION TO STRIKE OUT

Case nos. CH/99/1656, CH/99/2935 and CH/99/3090

Vitimor STARČEVIĆ, Milan LONTOŠ and Nadežda VLAJKOVIĆ-KRSTIĆ

against

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

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 has received information that the applicants have regained possession of their pre-war apartments. The Chamber requested the applicants to confirm or comment upon this information, but they failed to respond.

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/99/1656 Vitimor STARČEVIĆ

3. The application was introduced on 2 March 1999 and registered on 4 March 1999.

4. The case concerns the applicant's attempts to regain possession of his apartment located at Ulica Kranjčevićeva no. 21 in Sarajevo.

5. On 25 February 2003, the Federation of Bosnia and Herzegovina (the "Federation") informed the Chamber that the applicant had repossessed his apartment on 13 December 2002.

6. On 28 February 2003, the Chamber sent a letter via registered mail to the applicant's pre-war address asking him to confirm this information within three weeks, and to inform the Chamber whether he wishes 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 letter was returned to the Chamber with the notation "unknown".

7. On 17 March 2003, the Chamber sent a second similar letter, via registered mail, to the applicant's contact address. The letter was received on 18 March 2003. The deadline set for the answer has expired and the Chamber has not received any response from the applicant.

B. CH/99/2935 Milan LONTOŠ

8. The application was introduced on 28 September 1999 and registered on 29 September 1999.

9. The case concerns the applicant's attempts to regain possession of his pre-war apartment, located at Ulica Omera Maslića no. 2 in Sarajevo.

10. On 25 February 2003, the Federation informed the Chamber that the applicant had repossessed his apartment on 28 January 2002.

11. On 28 February 2003 and 17 March 2003, the Chamber sent letters via registered mail to the applicant's pre-war address and contact address asking him to confirm this information, and to inform the Chamber whether he wishes 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. Both letters were returned to the Chamber with the notation "unknown".

C. CH/99/3090 Nadežda VLAJKOVIĆ-KRSTIĆ

12. The application was introduced on 1 November 1999 and registered on 2 November 1999.

13. The case concerns the applicant's attempts to regain possession of her pre-war apartment, located at Branilaca Sarajeva no. 15 in Sarajevo.

14. On 25 February 2003, the Federation informed the Chamber that the applicant had repossessed her apartment on 13 September 2001.

15. On 28 February 2003 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, 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, the Chamber might decide to strike out the application. Both letters were returned to the Chamber with the notation "unknown".

II. OPINION OF THE CHAMBER

16. 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."

17. Considering that the Chamber has received information that the applicants have entered into possession of their pre-war apartments, the Chamber finds that the matter raised in the applications has been resolved. The Chamber attempted to contact the applicants to permit them to confirm this information. The first applicant, while having received the letter from the Chamber, never responded. The letters sent to the other two applicants were never received as the applicants have apparently moved, and have not informed the Chamber of their current address. 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

18. 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