



DECISION TO STRIKE OUT

Case nos. CH/98/378, CH/98/676 and CH/98/966

Mustafa ČENGIĆ, Omer FILIPOVIĆ and P.Z.

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 5 June 2003 with the following members present:

Mr. Mato TADIĆ, President
Mr. Jakob MÖLLER
Mr. Mehmed DEKOVIĆ
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 pre-war 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/98/378 Mustafa ČENGIĆ

3. The application was introduced on 25 February 1998 and registered on 10 April 1998.

4. The applicant complained of his inability to repossess his pre-war apartment, located at Miće Todorovića no. 2/IV, in Sarajevo.

5. The Chamber was informed by the Commission for Real Property Claims of Displaced Persons and Refugees that the applicant was reinstated into possession his apartment.

6. On 15 May 2002, the Chamber sent a letter by registered mail to the applicant's pre-war address, asking him to confirm his reinstatement. This letter specifically warned the applicant that if he did not respond to it, the Chamber might decide to strike out his application. The Chamber received the delivery receipt, which was signed by a person named ČengiĆ. However, the applicant never responded to the Chamber's letter.

B. CH/98/676 Omer FILIPOVIĆ

7. The application was introduced on 5 June 1998 and registered on 9 June 1998.

8. The applicant complained of his inability to repossess his pre-war apartment, located at Čekaluša Čikma St. no. 8, in Sarajevo.

9. On 16 March 1999, the application was transmitted to the Federation of Bosnia and Herzegovina ("the Federation"). On 7 May 1999, the Federation submitted its written observations. Thereafter, the applicant submitted his written observations in response.

10. On 9 November 1999, the Federation informed the Chamber that on 27 September 1999 the applicant had been reinstated into possession of his pre-war apartment.

11. On 16 December 1999 and 13 November 2002, the Chamber sent letters to the applicant asking him to confirm his reinstatement. The latter letter specifically warned the applicant that if he did not respond to it, the Chamber might decide to strike out his application. The Chamber received the delivery receipt, which was signed by the applicant's wife. However, the applicant never responded to the Chamber's letters.

C. CH/98/966 P.Z.

12. The application was introduced on 18 September 1998 and registered on the same day.

13. The applicant complained of her inability to repossess her pre-war apartment, located at Gojka Vukovića St. No. no. 2/IV, in Mostar.

14. The Chamber was informed by the Commission for Real Property Claims of Displaced Persons and Refugees that the applicant was reinstated into possession of her apartment.

15. On 15 May 2002, the Chamber sent a letter by registered mail to the applicant's pre-war address, asking her to confirm her reinstatement. This letter specifically warned the applicant that if

she did not respond to it, the Chamber might decide to strike out her application. The Chamber received the delivery receipt, which was signed by the applicant. However, the applicant never responded to the Chamber's letter.

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 result is consistent with 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. 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,

STRIKES OUT THE APPLICATIONS.

(signed)
Ulrich GARMS
Registrar of the Chamber

(signed)
Mato TADIĆ
President of the Second Panel