



DECISION TO STRIKE OUT

**Case nos. CH/98/1406, CH/99/2009, CH/99/2191, CH/99/2563,
CH/99/3181, CH/99/3403 and CH/99/3411**

**Slobodan LUČIĆ, Darko JANJIĆ, Dragoljub MLAĐEN, Juro MARKOVIĆ,
Midhat BALVANOVIĆ, Safeta CVRK and Nazif MUJČIĆ**

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)(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 requests.

2. Although some of the cases concern the applicants' attempts to repossess their pre-war home, and other cases concern the applicants' attempts to not be evicted from their temporary accommodation, in all the cases the Chamber has lost contact with the applicants, for this reason 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/98/1406 Slobodan LUČIĆ

3. The application was received and registered on 24 December 1998.

4. The applicant complained of his inability to repossess his pre-war apartment located at Paromlinska no. 5/1, in Sarajevo, the Federation of Bosnia and Herzegovina ("the Federation").

5. On 27 June 2002, 31 July 2002 and 18 February 2003, the Chamber sent letters by registered mail to the applicant's contact and pre-war addresses, asking if there had been any developments in his case. These letters specifically warned the applicant that if he did not respond to them within three weeks, the Chamber might decide to strike out his application.

6. The applicant received the three letters but to date has failed to respond to the Chamber.

B. CH/99/2009 Darko JANJIĆ

7. The application was received and registered on 2 April 1999.

8. The case concerns the applicant's attempts to regain possession of his pre-war house located at Lužanski put no. 8, in Ilidža, the Federation.

9. On 25 April 2003, the Chamber sent a letter to the applicant requesting him to update the status of his case within two weeks. This letter specifically cautioned the applicant that if he did not respond, the Chamber might decide to strike out his application. The applicant received the letter, but he has failed to reply.

C. CH/99/2191 Dragoljub MLAĐEN

10. The application was introduced on 18 May 1999 and registered on 24 May 1999.

11. The case concerns the applicant's attempts to regain possession of his apartment located at ulica VI Proleterske brigade no. 45/3 in Sarajevo, the Federation.

12. On 26 November 2002, the Chamber sent letters to applicant's representative and to the applicant. Both letters were sent via registered mail, requesting them to inform the Chamber whether the matter had been resolved, and if so, to clarify whether the applicant wished to continue the proceedings before the Chamber. The Chamber cautioned the representative and the applicant that if they failed to respond, the Chamber might decide to strike out the application. The applicant signed the registered return receipt on 2 December 2002 and his representative on 29 November 2002, but they failed to reply.

13. On 15 April 2003, the Chamber sent a second letter to the applicant. The applicant received the letter on 16 April 2003, but again he failed to reply.

D. CH/99/2563 Juro MARKOVIĆ

14. The application was introduced on 18 June 1999 and registered on 22 June 1999.
15. The case concerns the applicant's attempts to repossess his pre-war apartment located at Ulica Mahmuta Bušatlije no. 9/67, in Tuzla, the Federation.
16. On 25 April 2003, the Chamber sent a letter to the applicant requesting him to update the status of his case within two weeks. This letter specifically cautioned the applicant that if he did not respond, the Chamber might decide to strike out the application. The applicant received the letter on 27 April 2003, but he failed to reply.

E. CH/99/3181 Midhat BALVANOVIĆ

17. The application was introduced on 17 November 1999 and registered the next day.
18. The case concerns the applicant's status as a temporary user of an apartment located at Ulica Dr. Fetaha Bećirbegovića no. 29, in Sarajevo, which was cancelled by a decision of the Housing Administration of the Sarajevo Canton of 10 September 1999.
19. On 29 April 2003, the Chamber sent a letter to the applicant requesting him to update the status of his case within two weeks. This letter specifically cautioned the applicant that if he did not respond, the Chamber might decide to strike out the application. The applicant received the letter, but he failed to reply.

F. CH/99/3403 Safeta CVRK

20. The application was introduced and registered on 23 December 1999.
21. The applicant complains that she was evicted from the apartment that she temporary occupied in Ilidža, the Federation.
22. On 29 April 2003, the Chamber sent a letter to the applicant requesting her to update the status of her case within two weeks. This letter specifically cautioned the applicant that if she did not respond, the Chamber might decide to strike out the application. On 3 May 2003, the letter was returned to the Chamber with the notation "moved". The Chamber was not provided with another contact address for the applicant.

G. CH/99/3411 Nazif MUJČIĆ

23. The application was introduced and registered on 28 December 1999.
24. The applicant complains that he was evicted from the apartment that he temporary occupied in Butmir, the Federation.
25. On 29 April 2003, the Chamber sent a letter to the applicant requesting him to update the status of his case within two weeks. This letter specifically cautioned the applicant that if he did not respond, the Chamber might decide to strike out the application. On 6 May 2003, the letter was returned to the Chamber with the notation "moved". The Chamber was not provided with another contact address for the applicant.

II. OPINION OF THE CHAMBER

26. 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.”

27. Rule 46(6) of the Chamber’s Rules of Procedure states that “applicants shall keep the Chamber informed of any change of their address”.

28. Considering that the applicants did not respond to any of the Chamber’s letters and several of them also did not provide the Chamber with a new contact address so that it may communicate with them about their applications, 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

29. 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