



DECISION TO STRIKE OUT

Case nos. CH/98/264, CH/98/555 and CH/98/620

Enisa HUKIĆ, Besima TERZIĆ and Ranka MIĆEVIĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

Case no. CH/98/441

Nasiha MARKIČEVIĆ

against

BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 3 July 2003 with the following members present:

Mr. Mato TADIĆ, President
Mr. Jakob MÖLLER, Vice-President
Mr. Mehmed DEKOVIĆ
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)(a) of the Agreement and Rules 34, 49(2) and 52 of the Chamber's Rules of Procedure:

I. INTRODUCTION

1. The cases concern the applicants' attempts to repossess their pre-war apartments and/or to register their ownership over their respective apartments, which they had purchased from the former JNA (Yugoslav National Army) Housing Fund prior to the armed conflict. The Chamber sent letters via registered mail to all the applicants between 24 March and 9 May 2003, asking them to confirm whether they had succeeded in repossessing and/or being registered as the owner of their apartments. The applicants and/or the applicants' representatives received the letters from the Chamber, but they failed to reply, despite being warned that a failure to respond could result in the Chamber deciding to strike out their respective applications.

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/98/264 Enisa HUKIĆ

3. The application was introduced on 2 February 1998 and registered on 10 April 1998.

4. The apartment in question is located at Ulica Dženetića čikma 16 in Sarajevo, the Federation of Bosnia and Herzegovina.

5. On 1 April and 12 May 2003, the letters sent to the applicant were returned to the Chamber with the notation from the post office "notified, but did not pick up".

B. CH/98/555 Besima TERZIĆ

6. The application was introduced on 20 April 1998 and registered on 14 May 1998.

7. The apartment in question is located at Ulica Franca Lehara 13 in Sarajevo, the Federation of Bosnia and Herzegovina.

8. On 4 April and 12 May 2003, the Chamber received registered return receipts which were signed by the applicant. However, the applicant never responded to the Chamber's letters. On 4 April 2003, the letter sent to the applicant's representatives was returned to the Chamber indicating that the representatives have moved.

C. CH/98/620 Ranka MIĆEVIĆ

9. The application was introduced on 30 April 1998 and registered on 15 May 1998.

10. The apartment in question is located at Ulica Geteova 13 in Sarajevo, the Federation of Bosnia and Herzegovina.

11. On 4 April 2003, the letter sent to the applicant was returned to the Chamber indicating that the applicant has moved. On 4 April and 12 May 2003, the Chamber received registered return receipts which were signed by the applicant's representative. However, the applicant's representative never responded to the Chamber's letters.

D. CH/98/441 Nasiha MARKIČEVIĆ

12. The application was introduced on 13 March 1998 and registered on 10 April 1998.

13. The apartment in question is located at Ulica Patriotske Lige 48 in Sarajevo, the Federation of Bosnia and Herzegovina.

14. On 11 April and 14 May 2003, the Chamber received registered return receipts which were signed by the applicant. However, the applicant never responded to the Chamber's letters.

II. OPINION OF THE CHAMBER

15. 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 t he 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.”

16. The Chamber notes that the applicants were invited on two occasions to update the Chamber as to whether they wished to continue the proceedings before the Chamber, and the applicants failed to respond. Considering that the applicants did not respond to any of the Chamber’s letters, despite the express warning that a failure to do so might result in the applications being struck out, 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

17. 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