



DECISION TO STRIKE OUT

Case no. CH/99/2828

Dragomir VAREVAC

against

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

Case nos. CH/01/7331 and CH/01/7412

Ilija KOMLEN and Mirjana REŠETAR

against

THE FEDERATION OF 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)(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 received information that the applicants had regained possession of their apartments. The Chamber attempted to contact the applicants to obtain confirmation of this information, 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/99/2828 Dragomir VAREVAC

3. The application was introduced to the Chamber on 31 August 1999.

4. The case concerns the applicant's attempt to regain possession of his apartment located at Maršala Tita 82 in Mostar, the Federation of Bosnia and Herzegovina.

5. On 27 March 2003, the Federation of Bosnia and Herzegovina ("the Federation") informed the Chamber that the applicant had been reinstated into possession of his apartment on 15 May 2002, and it submitted the minutes of the reinstatement, signed by the applicant's wife.

6. On 3 April 2003, the Chamber sent a letter to the applicant, via registered mail, inviting him to inform it whether he intended to pursue his application before the Chamber and if so, on which grounds. The Chamber cautioned the applicant that if he failed to respond within 2 weeks, the Chamber might decide to strike out the application. The applicant received the letter on 5 April 2003, but the Chamber has not received any response from him.

B. CH/00/7331 Ilija KOMLEN

7. The application was introduced on 26 March 2001 and registered on same day.

8. The case concerns the applicant's attempts to regain possession of his apartment located at Moše Pijade 56, in Mostar (Zapad), the Federation of Bosnia and Herzegovina.

9. On 27 March 2003, Chamber received a letter from the Federation informing it that the applicant had been reinstated into possession of his pre-war apartment on 30 October 2001.

10. On 16 April 2003, the Chamber sent two letters to the applicant, one to his pre-war address and another to his temporary address. Both letters were sent via registered mail, requesting him to inform the Chamber whether the matter was resolved, and if so, 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 has never responded.

C. CH/01/7412 Mirjana REŠETAR

11. The application was introduced to the Chamber on 18 April 2001.

12. The case concerns the applicant's attempt to regain possession of her apartment located at Moše Pijade 32 in Mostar (Zapad), the Federation of Bosnia and Herzegovina.

13. On 27 March 2003, the Federation informed the Chamber that the applicant had been reinstated into possession of his apartment on 9 July 2002, and it submitted the minutes of the reinstatement, signed by the applicant.

14. On 3 April 2003, the Chamber sent letters to the applicant at her contact and pre-war addresses, inviting her to inform it whether she intended to pursue his application before the

Chamber and if so, on which grounds. The letter sent to the pre-war address was returned to the Chamber with the notation “unknown”.

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 the ground that ... (b) the matter has been resolved; ... provided that such a result is consistent with the objective of respect for human rights.”

16. Considering that the Chamber has received information from the respondent Party 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

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