



DECISION TO STRIKE OUT

Case no. CH/99/2660

Kemal OMIĆ

against

THE REPUBLIKA SRPSKA

Case no. CH/99/2107

Ramo and Fetija SULJIĆ

against

**BOSNIA AND HERZEGOVINA
and
THE REPUBLIKA SRPSKA**

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 4 July 2003 with the following members present:

Ms. Michèle PICARD, President
Mr. Miodrag PAJIĆ, Vice-President
Mr. Hasan BALIĆ
Mr. Rona AYBAY
Mr. Želimir JUKA
Mr. Andrew GROTRIAN

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, 46(6), 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. 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/99/2107 Ramo and Fetija SULJIĆ

3. The application was introduced on 27 April 1999 and registered on 29 April 1999.

4. The case concerns the applicants' attempts to regain possession of their pre-war property located in Bijeljina, the Republika Srpska.

5. On 19 September 2002, 19 March 2003 and 14 May 2003, the Chamber sent letters, via registered mail, to the applicants requesting an update on the status of their case within two weeks. The Chamber cautioned them that if no response was received, the Chamber might decide to strike out the application. The applicants signed the registered return receipts on 23 September 2002, 21 March 2003 and 15 May 2003. However, they did not reply to these letters.

B. CH/99/2660 Kemal OMIĆ

6. The application was introduced on 7 July 1999 and registered on 9 July 1999.

7. The case concerns the applicant's attempts to regain possession of his pre-war property located in Bijeljina, the Republika Srpska.

8. On 19 September 2002 and 14 May 2003, the Chamber sent letters, via registered mail, to the applicant requesting an update on the status of his case within two weeks. The Chamber cautioned him that if no response was received, the Chamber might decide to strike out the application. Both letters were returned to the Chamber with the notation "moved". The applicant did not provide the Chamber with any new contact address.

II. OPINION OF THE CHAMBER

9. 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."

10. Rule 46(6) of the Chamber's Rules of Procedure provides that "applicants shall keep the Chamber informed of any change of their address and of all circumstances relevant to the application".

11. Considering that the applicants did not respond to any of the Chamber's letters, and in one case failed to provide the Chamber with any current contact address, 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

12. For these reasons, the Chamber, unanimously,

**JOINS THE APPLICATIONS and
STRIKES OUT THE APPLICATIONS.**

(signed)
Ulrich GARMS
Registrar of the Chamber

(signed)
Michèle PICARD
President of the First Panel