



DECISION TO STRIKE OUT

Case nos. CH/00/3924, CH/00/5179 and CH/00/5919

Dževad KARAMUJIĆ, Hasan ŠUKILOVIĆ and Mustafa MUSIĆ

against

THE REPUBLIKA SRPSKA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 6 March 2003 with the following members present:

Mr. Mato TADIĆ, President
Mr. Jakob MÖLLER
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 Article VIII(3)(a) of the Agreement and Rules 49(2) and 52 of the Chamber’s Rules of Procedure:

I. INTRODUCTION

1. The applications were introduced during the period from 29 June 2000 to 16 October 2000. The cases concern the applicants' attempts to regain possession of their pre-war property located in Bijeljina, the Republika Srpska, on the basis of decisions issued by the Commission for Real Property Claims of Displaced Persons and Refugees ("CRPC") allowing them to repossess their respective pre-war property.
2. Between 1 November and 26 November 2001, the Chamber sent each of the applicants a letter via registered mail requesting them to submit relevant documentation, such as CRPC decisions and requests for enforcement of CRPC decisions, as they had failed to submit these necessary documents with their applications. The Chamber cautioned all the applicants that if they failed to respond, the Chamber might decide to strike out their applications.
3. The Chamber received all the signed registered return receipts, but the applicants failed to respond to the Chamber's letters.
4. 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.

II. OPINION OF THE CHAMBER

5. 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."
6. The Chamber notes that the applicants have not replied to the letters sent to them, although these letters specifically warned them that a failure to respond might result in their application being struck out. The applicants have further failed to submit relevant documentation for continuation of the proceedings before the Chamber. Therefore, the Chamber finds that the applicants do not intend to pursue the applications and that it cannot further consider the applications without the applicants' cooperation. 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.

III. CONCLUSION

7. 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