



DECISION TO STRIKE OUT

**Case nos. CH/00/4406, CH/00/4834,
CH/00/5467, CH/00/6006 and CH/00/6184**

**Ismet HODŽIĆ, Muharem KRDŽALIĆ,
Osman BAČEVAC, Sakib NURKIĆ and Dedo DEDIĆ**

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 23 March 2000 to 9 October 2000. The cases concern the applicants' attempts to regain possession of their pre-war property located in Bijeljina and Janja, Municipality Bijeljina, the Republika Srpska.
2. On 11 October 2001, the Chamber transmitted the applications to the respondent Party for its observations on the admissibility and merits under Articles 6, 8, 13 and 14 of the European Convention on Human Rights (the "Convention") and Article 1 of Protocol No. 1 to the Convention. On 10 December 2001, the respondent Party submitted its observations. On 14 January 2002, the applicant in case no. CH/00/6184 Dedo DEDIĆ submitted his reply.
3. On 14 November 2002, the Chamber sent each of the applicants a letter via registered mail requesting that they confirm whether they had repossessed their respective pre-war property, and if they had, whether they wished to continue the proceedings before the Chamber. On 31 January 2003, the Chamber sent reminder letters to each of the applicants repeating this request for information. The Chamber cautioned all the applicants that if they failed to respond to it, the Chamber might decide to strike out their applications.
4. The Chamber received all the signed registered return receipts, but the applicants failed to respond to the Chamber's letters.
5. 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

6. 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."
7. The Chamber notes that the applicants were invited twice to inform the Chamber as to the status of their cases and whether they wished to continue the proceedings before the Chamber. However, 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 Chamber concludes that the applicants no longer intend to pursue their applications before the Chamber. 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, in accordance with Article VIII(3)(a) of the Agreement.

III. CONCLUSION

8. 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