



DECISION TO STRIKE OUT

**Case nos. CH/00/5914, CH/01/6886, CH/01/7336, CH/01/7435, CH/01/7562,
CH/02/8719 and CH/02/11213**

**Vaso EKMEČIĆ, Mustafa OMANOVIĆ, Obrad PIKULA, Savo JANJIĆ, Danica PALAVESTRA,
Dušan MARIN and Blagoje KOVAČEVIĆ**

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

Case nos. CH/01/7311 and CH/01/8502

Džemil SIJERČIĆ and Milorad KRNJEVIĆ

against

BOSNIA AND HERZEGOVINA

and

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 5 June 2003 with the following members present:

Mr. Mato TADIĆ, President
Mr. Jakob MÖLLER
Mr. Mehmed DEKOVIĆ
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/00/5914 Vaso EKMEČIĆ

3. The application was introduced on 16 October 2000 and registered on same day.

4. The case concerns the applicant's attempts to regain possession of his apartment located at Bulevar Veljka Vlahovića no. 16B/I, in Čapljina, the Federation of Bosnia and Herzegovina.

5. On 16 April 2003, Chamber received a letter from the Federation of Bosnia and Herzegovina ("the Federation") informing it that the applicant had been reinstated into possession of his pre-war apartment on 25 June 2001.

6. On 21 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.

7. According to the registered return receipt, the letter sent to the pre-war address was left at the door. On 3 May 2003, the second letter was returned to the Chamber with the notation "deceased".

B. CH/01/6886 Mustafa OMANOVIĆ

8. The application was introduced to the Chamber on 19 February 2001.

9. The case concerns the applicant's attempt to regain possession of his apartment located at Stjepana Radića no. 76 C in Mostar, the Federation.

10. On 4 April 2003, the Federation informed the Chamber that the applicant had been reinstated into possession of his apartment on 12 September 2002, and it submitted the minutes of the reinstatement, signed by the applicant.

11. On 18 April 2003, the Chamber sent letters to the applicant at his contact and pre-war addresses, inviting him to inform it whether he intended to pursue his application before the Chamber and if so, on which grounds. These registered letters were returned to the Chamber with the notation "unknown".

C. CH/01/7311 Džemil SIJERČIĆ

12. The application was introduced to the Chamber on 21 March 2001.

13. The case concerns the applicant's attempt to regain possession of his apartment located at Splitska no. 5/IV in Mostar, the Federation.

14. On 4 April 2003, the Federation informed the Chamber that the applicant had been reinstated into possession of his apartment on 14 January 2002, and it submitted the minutes of the reinstatement, signed by the applicant.

15. On 18 April 2003, the Chamber sent letters to the applicant at his contact and pre-war addresses, inviting him to inform it whether he intended to pursue his application before the Chamber and if so, on which grounds. These registered letters were returned to the Chamber with the notation "unknown".

D. CH/01/7336 Obrad PIKULA

16. The application was introduced to the Chamber on 27 March 2001.

17. The case concerns the applicant's attempt to regain possession of his apartment located at Mire Popare no. 17/III in Mostar, the Federation.

18. On 4 April 2003, the Federation informed the Chamber that the applicant had been reinstated into possession of his apartment on 26 October 2001, and it submitted the minutes of the reinstatement, signed by the applicant.

19. On 18 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 23 April 2003, but the Chamber has not received any response from him.

E. CH/01/7435 Savo JANJIĆ

20. The application was introduced to the Chamber on 23 April 2001.

21. The case concerns the applicant's attempt to regain possession of his apartment located at Mire Popare no. 34 in Mostar, the Federation.

22. On 4 April 2003, the Federation informed the Chamber that the applicant had been reinstated into possession of his apartment on 6 January 2002, and it submitted the minutes of the reinstatement, signed by the applicant representative.

23. On 18 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 22 April 2003, but the Chamber has not received any response from him.

F. CH/01/7562 Danica PALAVESTRA

24. The application was introduced to the Chamber on 4 June 2001.

25. The case concerns the applicant's attempt to regain possession of her apartment located at Mire Popare no. 17 in Mostar, the Federation.

26. On 4 April 2003, the Federation informed the Chamber that the applicant had been reinstated into possession of her apartment on 14 February 2003, and it submitted the minutes of the reinstatement, signed by the applicant.

27. On 18 April 2003, the Chamber sent a letter to the applicant, via registered mail, inviting her to inform it whether she intended to pursue her application before the Chamber and if so, on which grounds. The Chamber cautioned the applicant that if she failed to respond within 2 weeks, the Chamber might decide to strike out the application. The applicant received the letter on 23 April 2003, but the Chamber has not received any response from her.

G. CH/01/8502 Milorad KRNJEVIĆ

28. The application was introduced to the Chamber on 30 November 2001.
29. The case concerns the applicant's attempt to regain possession of his apartment located at Splitska no. 7 in Mostar, the Federation.
30. On 4 April 2003, the Federation informed the Chamber that the applicant had been reinstated into possession of his apartment on 23 October 2002, and it submitted the minutes of the reinstatement, signed by the applicant.
31. On 18 April 2003, the Chamber sent letters to the applicant at his contact and pre-war addresses, inviting him to inform it whether he intended to pursue his application before the Chamber and if so, on which grounds. These registered letters were returned to the Chamber with the notation "unknown".

H. CH/02/8719 Dušan MARIN

32. The application was introduced to the Chamber on 22 January 2002.
33. The case concerns the applicant's attempt to regain possession of his apartment located at Kralja Tomisavlja no. 7 B in Mostar, the Federation.
34. On 4 April 2003, the Federation informed the Chamber that the applicant had been reinstated into possession of his apartment on 25 March 2002, and it submitted the minutes of the reinstatement, signed by the applicant's representative.
35. On 18 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 22 April 2003, but the Chamber has not received any response from him.

I. CH/02/11213 Blagoje KOVAČEVIĆ

36. The application was introduced to the Chamber on 27 June 2002.
37. The case concerns the applicant's attempt to regain possession of his apartment located at Franjevačka no. 13 A in Mostar, the Federation.
38. On 4 April 2003, the Federation informed the Chamber that the applicant had been reinstated into possession of his apartment on 2 December 2002, and it submitted the minutes of the reinstatement, signed by the applicant.
39. On 18 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 23 April 2003, but the Chamber has not received any response from him.

II. OPINION OF THE CHAMBER

40. 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."
41. Considering that the Chamber has received information 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

42. 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