



## **DECISION TO STRIKE OUT**

**Case nos. CH/98/1022, CH/98/1024,  
CH/99/3397**

**Milena and Ivan ZOVKO, Ivica FILIPOVIĆ,  
and Aleksandar BALABAN**

**against**

**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)(a) 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 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/98/1022 Milena and Ivan ZOVKO**

3. The application was introduced on 14 October 1998 and registered on the same day.

4. The case concerns the applicants' attempts to regain possession of their pre-war property located at Ulica Miloša Popovića Đurina nos. 24 and 26, in Tuzla.

5. On 19 March 2003, the Chamber sent a letter, via registered mail, to the applicants' representative at the address he submitted to the Chamber, asking whether the applicants had succeeded in repossessing their property. The Chamber cautioned that if no response was received, the Chamber might decide to strike out the application. The applicants' representative signed the registered return receipt on 20 March 2003; however, the Chamber received no response.

### **B. CH/98/1024 Ivica FILIPOVIĆ**

6. The application was introduced on 14 October 1998 and registered on the same day.

7. The case concerns the applicant's attempts to regain possession of his pre-war apartment located at Ulica Oslobođilaca Sarajeva no. 2, in Sarajevo.

8. On 19 March 2003, the Chamber sent a letter, via registered mail, to the applicant requesting an update on the status of the case within two weeks. This letter specifically cautioned the applicant that if no response was received, the Chamber might decide to strike out the application. The applicant signed the registered return receipt on 21 March 2003, but he failed to respond.

### **C. CH/99/3397 Aleksandar BALABAN**

9. The application was introduced on 22 December 1999 and registered on the same day.

10. The case concerns the applicant's attempts to regain possession of his pre-war apartment located at Ulica Igmanski marš no. 36, in Vogošća.

11. On 19 March 2003, the Chamber sent a letter, via registered mail, to the applicant's representative at the address he submitted to the Chamber, asking whether the applicant had succeeded in repossessing his property. The Chamber cautioned that if no response was received, the Chamber might decide to strike out the application. The applicant's representative signed registered return receipt; however, the Chamber received no response.

## **II. OPINION OF THE CHAMBER**

12. 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."

13. Considering that the applicants did not respond to the Chamber's letters, despite the express warning that a failure to do so might result in their applications being struck out, 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**

14. 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