



DECISION TO STRIKE OUT

**Case nos. CH/98/285, CH/98/290, CH/98/301, CH/98/372, CH/98/405,
CH/98/419, CH/98/619, CH/98/644 and CH/98/693**

**Mirela JAHIĆ, Zvonko ĐAKOVIĆ, Miroslava VASIĆ, Dušan PETROVIĆ, Z.B.,
Stana IVKOVIĆ, A.P.Š., M.B. and Tihomir NIKOLIĆ**

against

**BOSNIA AND HERZEGOVINA
and
THE FEDERATION OF BOSNIA AND HERZEGOVINA**

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, 49(2) and 52 of the Chamber’s Rules of Procedure:

I. INTRODUCTION

1. The cases concern the applicants' attempts to repossess their pre-war apartments and/or to register their ownership over their respective apartments, which they had purchased from the former JNA (Yugoslav National Army) Housing Fund prior to the armed conflict. The Chamber sent letters via registered mail to all the applicants between 21 March and 20 May 2003, asking them to confirm whether they had succeeded in repossessing and/or being registered as the owner of their apartments. The applicants and/or the applicants' representatives received the letters from the Chamber, but they failed to reply, despite being warned that a failure to respond could result in the Chamber deciding to strike out their respective applications.

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/98/285 Mirela JAHIĆ

3. The application was introduced on 2 February 1998 and registered on 10 April 1998.

4. The apartment in question is located at Ulica Džemala Mandžića 14 in Tuzla, the Federation of Bosnia and Herzegovina.

5. On 20 March 2003, the Chamber received a registered return receipt, which was signed by an individual with the last name Jahić. On 12 May 2003, the Chamber received a registered return receipt with an illegible signature. The applicant never responded to the Chamber's letters.

B. CH/98/290 Zvonko ĐAKOVIĆ

6. The application was introduced on 2 February 1998 and registered on 10 April 1998.

7. The apartment in question is located at Ulica Armije BiH 19 in Tuzla, the Federation of Bosnia and Herzegovina.

8. On 1 April 2003, the Chamber received a registered return receipt, which was signed by the applicant. On 12 May 2003, the Chamber received a registered return receipt with an illegible signature. The applicant never responded to the Chamber's letters.

C. CH/98/301 Miroslava VASIĆ

9. The application was introduced on 11 February 1998 and registered on 10 April 1998.

10. The apartment in question is located at Ulica Aleja bosanskih vladara 18 in Tuzla, the Federation of Bosnia and Herzegovina.

11. On 31 March and 12 May 2003, the Chamber received registered return receipts, which were signed by the applicant. However, the applicant never responded to the Chamber's letters.

D. CH/98/372 Dušan PETROVIĆ

12. The application was introduced on 23 February 1998 and registered on 10 April 1998.

13. The apartment in question is located at Ulica Armije Bosne i Hercegovine 23 in Tuzla, the Federation of Bosnia and Herzegovina.

14. On 3 April 2003, the Chamber received a registered return receipt, which was signed by the applicant's representative. However the applicant's representative never responded to the Chamber's letter. On 16 May 2003, the second letter was returned to the Chamber with the notation from the post office "notified, but did not pick up".

E. CH/98/405 Z.B.

15. The application was introduced on 5 March 1998 and registered on 10 April 1998.
16. The apartment in question is located at Ulica Dr. Ivana Ribara 13 in Tuzla, the Federation of Bosnia and Herzegovina.
17. On 18 April and 22 May 2003, the letters sent to the applicant were returned to the Chamber with the notation from the post office “notified, but did not pick up”. On 14 April 2003, the Chamber received a registered return receipt, which was signed by the applicant’s representative. On 22 May 2003, the second letter sent to the applicant’s representative was returned to the Chamber with the notation from the post office “notified, but did not pick up”.

F. CH/98/419 Stana IVKOVIĆ

18. The application was introduced on 6 March 1998 and registered on 10 April 1998.
19. The apartment in question is located at Ulica Koševo 11 in Sarajevo, the Federation of Bosnia and Herzegovina.
20. On 9 April and 14 May 2003, the letters were returned to the Chamber indicating that the applicant has moved. On 22 April and 20 May 2003, the Chamber received registered return receipts, which were signed by the applicant’s representative. However, the applicant’s representative never responded to the Chamber’s letters.

G. CH/98/619 A.P.Š.

21. The application was introduced on 30 April 1998 and registered on 15 May 1998.
22. The apartment in question is located at Ulica Džemala Bijedića 46 in Sarajevo, the Federation of Bosnia and Herzegovina.
23. On 7 April and 12 May 2003, the Chamber received registered return receipts, which were signed by one of the applicants. However, the applicants never responded to the Chamber’s letters.

H. CH/98/644 M.B.

24. The application was introduced on 12 May 1998 and registered on 25 May 1998.
25. The apartment in question is located at Ulica Aleja bosanskih vladara 5 in Tuzla, the Federation of Bosnia and Herzegovina.
26. On 10 April 2003, the Chamber received a registered return receipt, which was signed by the applicant’s representative. However, the applicant’s representative never responded to the Chamber’s letter. On 14 April and 16 May 2003, the letters sent to the applicant were returned to the Chamber with the notation from the post office “notified, but did not pick up”.

I. CH/98/693 Tihomir NIKOLIĆ

27. The application was introduced on 12 June 1998 and registered on the same day.
28. The apartment in question is located at Ulica Aleja bosanskih vladara 20 in Tuzla, the Federation of Bosnia and Herzegovina.
29. On 22 April 2003, the Chamber received a registered return receipt, which was signed by the applicant. However, the applicant never responded to the Chamber’s letter. On 2 June 2003, the second letter sent to the applicant was returned to the Chamber with the notation from the post office “notified, but did not pick up”.

II. OPINION OF THE CHAMBER

30. 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.”

31. Considering that the applicants did not respond to any of the Chamber’s letters, despite the express warning that a failure to do so might result in the 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

32. 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