



DECISION TO STRIKE OUT

Case nos. CH/98/355 and CH/98/339

Ibro IMAMOVIĆ and Tijana TOMAŠEVIĆ

against

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

Case nos. CH/98/369 and CH/98/615

C.Z.V. and Dragoljub ĐORĐEVIĆ

against

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)(c) 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 to all the applicants between 27 March and 22 May 2003, asking them to confirm whether they had succeeded in repossessing and/or being registered as the owner of their apartments. The Chamber's attempts to contact the applicants have been unsuccessful, since the letters addressed to them have been returned to the Chamber by the postal authorities, indicating that the applicants have moved or their address is unknown.

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/98/355 Ibro IMAMOVIĆ

3. The application was introduced on 13 February 1998 and registered on 10 April 1998.

4. The apartment in question is located at Ulica Gradačaćka 23 in Sarajevo, the Federation of Bosnia and Herzegovina.

5. On 1 April and 27 May 2003, letters sent to the applicant at the address provided in his application were returned to the Chamber indicating that there is no such person at that address.

B. CH/98/339 Tijana TOMAŠEVIĆ

6. The application was introduced on 13 February 1998 and registered on 10 April 1998.

7. The apartment in question is located at Ulica Branilaca grada 19b in Sarajevo, the Federation of Bosnia and Herzegovina.

8. On 4 April and 27 May 2003, letters sent to the applicant were returned to the Chamber indicating that the applicant has moved.

C. CH/98/369 C.Z.V.

9. The application was introduced on 20 February 1998 and registered on 10 April 1998.

10. The apartment in question is located at Ulica Kemala Kapetanovića 34 in Sarajevo, the Federation of Bosnia and Herzegovina.

11. On 1 April and 9 May 2003, letters sent to the applicant at the address provided in her application were returned to the Chamber indicating that there is no such person at that address.

D. CH/98/615 Dragoljub ĐORĐEVIĆ

12. The application was introduced on 28 April 1998 and registered on 15 May 1998.

13. The apartment in question is located at Ulica Samira Frašte 5 in Sarajevo, the Federation of Bosnia and Herzegovina.

14. On 4 April and 9 May 2003, letters sent to the applicant were returned to the Chamber indicating that the applicant has moved.

II. OPINION OF THE CHAMBER

15. 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 ... (c) for any ... reason established by the Chamber, it is no longer justified to continue the examination of the application; provided that such a result is consistent with the objective of respect for human rights.”

16. Rule 46(6) of the Chamber’s Rules of Procedure states that “applicants shall keep the Chamber informed of any change of their address”.

17. The Chamber notes that the applicants have had no contact with the Chamber since the submission of their applications. The Chamber’s attempts to contact the applicants have been unsuccessful, since the letters addressed to them have been returned to the Chamber by the postal authorities, indicating that the applicants have “moved” or that no such person is known at the address. The applicants have further failed to provide the Chamber with any new contact address. Contact with the applicants has, therefore, been lost. In these circumstances, the Chamber finds that it is no longer justified to continue the examination of the applications and that it would not be inconsistent with the objective of respect for human rights to strike out the applications. The Chamber therefore decides to strike out the applications pursuant to Article VIII(3)(c) of the Agreement.

III. CONCLUSION

18. 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