



DECISION TO STRIKE OUT

Case nos. CH/98/778 and CH/98/1292

Ramadan BURZIĆ and Suljo MALKOČ

against

THE REPUBLIKA SRPSKA

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/98/778 Ramadan BURZIĆ

3. The application was received and registered on 16 July 1998.
4. The applicant complained of his inability to repossess his real estates registered as PL No. 126 KO in Gradiška, the Republika Srpska.
5. On 23 December 1998, the Chamber transmitted the application to the Republika Srpska for its observations on the admissibility and merits under Article 6 of the European Convention on Human Rights ("the Convention") and Article 1 of Protocol No. 1 to the Convention, in relation to discrimination.
6. On 24 March 1999, the respondent Party submitted its written observations on admissibility and merits. On 21 June 1999, the respondent Party submitted additional observations.
7. On 25 July and 25 August 2000, the applicant submitted his observations.
8. On 10 December 2002 and 18 February 2003, the Chamber sent letters by registered mail to the applicant's contact and pre-war addresses, asking if there had been any developments in his attempts to solve his housing problem. These letters specifically warned the applicant that if he did not respond to them, the Chamber might decide to strike out his application. The Chamber received the signed delivery receipts. However, the applicant never responded to the Chamber's letters.

B. CH/98/1292 Suljo MALKOČ

9. The application was introduced and registered on 4 November 1998.
10. The applicant complained of his inability to repossess his pre-war house located at Ulica Novaka Pivaševića no. 2, in Banja Luka, the Republika Srpska.
11. On 24 May 1999, the Chamber transmitted the application to the Republika Srpska for its observations on admissibility and merits under Articles 6, 8 and 13 of the Convention and Article 1 of Protocol No. 1 to the Convention, in relation to discrimination.
12. On 26 July 1999, the respondent Party submitted its written observations on admissibility and merits.
13. On 10 December 2002 and 18 February 2003, the Chamber sent letters by registered mail to the applicant's contact address and pre-war address, asking if there had been any developments in his attempts to solve his housing problem. These letters specifically warned the applicant that if he did not respond to them, the Chamber might decide to strike out his application. The Chamber received the signed delivery receipts. However, the applicant never responded to the Chamber's letters.

II. OPINION OF THE CHAMBER

14. 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.”

15. Considering that the applicants did not respond to any of the Chamber’s letters, 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

16. 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