



DECISION TO STRIKE OUT

Cases nos. CH/98/853, CH/98/1000, CH/98/1055, and CH/98/1408

Milosava PETKOVIĆ, Ljiljana MITROVIĆ, Desanka ZUBER, and Dragoljub POPOVIĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 10 January 2003 with the following members present:

Ms. Michèle PICARD, President
Mr. Miodrag PAJIĆ, Vice-President
Mr. Dietrich RAUSCHNING
Mr. Hasan BALIĆ
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 49(2) and 52 of the Chamber’s Rules of Procedure:

I. INTRODUCTION

1. The application of Mrs. Petković was introduced on 7 August 1998. The application of Mrs. Mitrović was introduced on 2 October 1998. The application of Mrs. Zuber was introduced on 9 November 1998. The application of Mr. Popović was introduced on 28 December 1998. Each application was registered on the same day it was introduced.

2. The applicants Petković, Mitrović, and Zuber sought repossession of their pre-war apartments in Sarajevo. The applicant Popović sought repossession of his pre-war home in Sarajevo.

3. On 3 October 2002, the Chamber sent letters via registered mail requesting the applicants to inform the Chamber as to whether they had succeeded in being reinstated into possession of their pre-war property, and if they had not, to provide the Chamber with all relevant documents relating to their attempts to repossess their apartment or house. The Chamber cautioned the applicants that if they failed to respond, the Chamber might decide to strike out their applications.

4. The Chamber received the signed registered return receipts, but the applicants failed to respond to the Chamber's letter.

II. OPINION OF THE CHAMBER

5. 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."

6. The Chamber notes that the applicants were invited to inform the Chamber as to the status of their cases and whether they wished to continue the proceedings before the Chamber. Although the Chamber specifically cautioned the applicants that if they did not respond, the Chamber might decide to strike out their applications, none of the applicants responded. Under these circumstances, the Chamber concludes that the applicants no longer intend to pursue their applications before the Chamber. 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, in accordance with Article VIII(3)(a) of the Agreement.

III. CONCLUSION

7. For these reasons, the Chamber unanimously,

STRIKES OUT THE APPLICATIONS.

(signed)
Ulrich GARMS
Registrar of the Chamber

(signed)
Michèle PICARD
President of the First Panel