



DECISION TO STRIKE OUT

Case nos. CH/98/891, CH/98/1058, CH/98/1407 and CH/98/1411

Danica DRLJIĆ, Z.D., Alija HODOVIĆ and Mirsad JUSOVIĆ

against

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

Case nos. CH/99/1419 and CH/99/1479

Vančo DIMITROVSKI and T.L.

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 2 April 2003 with the following members present:

Ms. Michèle PICARD, President
Mr. Miodrag PAJIĆ, Vice-President
Mr. Dietrich RAUSCHNING
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 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 concerns the applicants' attempts to register themselves as the legal owner over their apartments which they purchased from the former Yugoslav National Army ("JNA").
2. All of the cases were introduced and registered between 21 August 1998 and 30 January 1999.
3. The Chamber sent the applicants letters via registered mail on 26 September 2002 and 11 December 2002, requesting the applicants to inform the Chamber whether they had succeeded in registering themselves as the lawful owner of the apartment in question, and if so, whether they wished to continue the proceedings before the Chamber. The letters warned the applicant that their applications might be struck out if they failed to respond. The signed registered return receipts were returned to the Chamber, but the applicants failed to respond to the letters.
4. 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.

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 on two occasions to update the Chamber as to whether they wished to continue the proceedings before the Chamber, and the applicants failed to respond. The Chamber can only conclude that the applicants do not wish to continue the proceedings before the Chamber. Furthermore, the Chamber finds no special circumstances regarding respect for human rights which require the examination of the application to be continued. The Chamber therefore decides to strike out the applications pursuant to Article VIII(3) of the Agreement.

III. CONCLUSION

7. 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