



DECISION TO STRIKE OUT

**Case nos. CH/98/937, CH/99/1442, CH/99/1726, CH/99/1760, CH/99/1778,
CH/99/2067, CH/99/2164, CH/99/2204, CH/99/2241, CH/99/2293,
CH/99/2547, CH/99/2569, CH/99/3093 and CH/02/9545**

**Bilal BAŠOVIĆ, Milan VUKOVIĆ, Đurđa BLAGOVČANIN, Olga LELIĆ, Ljiljana CIKOTA,
Aleksandar LUKIĆ, Milka KRČMAR, Dragan DRVENICA, Dobro MILIĆ, Milorad LALIĆ,
Đurđica JANJIĆ, Zdravko JEFTIĆ, M.DŽ. and Darinka ĐOKOVIĆ**

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 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 further information on their applications, but the applicants failed to respond to the Chamber's request.

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.

II. FACTS AND PROCEEDINGS

A. CH/98/937 Bilal BAŠOVIĆ

3. The application was introduced on 8 September 1998 and registered on the same day. The applicant is represented by Faruk Balijagić, a lawyer.

4. The applicant alleges that the Supreme Court of the Federation of Bosnia and Herzegovina (the "Federation") was influenced by the public declarations of Mr. Alija Izetbegović when it decided his criminal case and sentenced him to eight years of imprisonment.

5. On 1 November 2000, 19 February 2002 and 25 February 2003, the Chamber sent letters to the applicant and his lawyer requesting them to substantiate the applicant's claims on the alleged impartiality of the Supreme Court of the Federation and to provide the Chamber with any supporting evidence. The two last letters were delivered and signed delivery receipts were returned to the Chamber. In these letters, the Chamber cautioned the applicant and his representative that if they failed to respond, it might decide to strike out the application. However, neither the applicant nor his representative responded to the Chamber's request.

B. CH/99/1442 Milan VUKOVIĆ

6. The application was introduced on 15 May 1999 and registered on the same day.

7. The case concerns the applicant's attempts to regain possession of his apartment located at Ulica Envera Šehovića no. 10 in Sarajevo.

8. On 6 and 15 November 2002, the Chamber sent letters to the applicant at his pre-war address and contact address, by registered mail, requesting him to inform it whether the matter was resolved, and if so, to clarify whether he wished to continue the proceedings before the Chamber. The Chamber cautioned the applicant that if he failed to respond, the Chamber might decide to strike out the application. The applicant signed the registered return receipt on 19 November 2002, but failed to respond. The letter sent to the applicant's contact address was returned to the Chamber with the notation "moved".

C. CH/99/1726 Đurđa BLAGOVČANIN

9. The application was introduced on 16 March 1999 and registered on the same day. The applicant is represented by Senija Poropat, a lawyer.

10. The case concerns the applicant's attempts to regain possession of her house located at Blagovac no. I-90 in Vogošća.

11. On 6 November and 11 December 2002, the Chamber sent letters to the applicant's contact address and to her representative. Both letters were sent by registered mail, requesting them to inform the Chamber whether the matter was resolved, and if so, to clarify whether the applicant wished to continue the proceedings before the Chamber. The Chamber cautioned the applicant and her representative that if they failed to respond, the Chamber might decide to strike out the application. The representative signed the registered return receipt on 8 November 2002 but failed to

respond. The letter sent to the applicant's contact address was returned to the Chamber with the notation "moved".

D. CH/99/1760 Olga LELIĆ

12. The application was introduced on 24 March 1999 and registered on 25 March 1999. The applicant is represented by Veljko Novaković, a lawyer.

13. The case concerns the applicant's attempts to regain possession of her apartment located at Ulica Maršala Tita no. 34 in Sarajevo.

14. On 6 November and 11 December 2002, the Chamber sent letters to the applicant's contact address and to her representative. Both letters were sent via registered mail, requesting them to inform the Chamber whether the matter was resolved, and if so, to clarify whether the applicant wished to continue the proceedings before the Chamber. The Chamber cautioned the applicant and her representative that if they failed to respond, the Chamber might decide to strike out the application. On 8 November and 12 December 2002, the applicant and her representative signed the registered return receipts. However, the Chamber received no response.

E. CH/99/1778 Ljiljana CIKOTA

15. The application was introduced on 31 March 1999 and registered on the same day. The applicant is represented by Veljko Novaković, a lawyer.

16. The case concerns the applicant's attempts to regain possession of her apartment located at ulica Alipašina no. 8 in Sarajevo.

17. On 6 November and 11 December 2002, the Chamber sent letters to the applicant's contact address and to her representative. Both letters were sent via registered mail, requesting them to inform the Chamber whether the matter was resolved, and if so, to clarify whether the applicant wished to continue the proceedings before the Chamber. The Chamber cautioned the applicant and her representative that if they failed to respond, the Chamber might decide to strike out the application. The applicant signed the registered return receipt on 13 December 2002 and her representative on 8 November 2002. However, the Chamber received no response.

F. CH/99/2067 Aleksandar LUKIĆ

18. The application was introduced on 20 April 1999 and registered on the same day. The applicant is represented by Slobodan Stajić, a lawyer.

19. The case concerns the applicant's attempts to regain possession of his apartment located at Ulica Ferhadija no. 2 in Sarajevo.

20. On 20 November and 10 December 2002, the Chamber sent letters to the applicant and to his representative. Both letters were sent via registered mail, requesting them to inform the Chamber whether the matter was resolved, and if so, to clarify whether the applicant wished to continue the proceedings before the Chamber. The Chamber cautioned the applicant and his representative that if they failed to respond, the Chamber might decide to strike out the application. The applicant signed the registered return receipt on 26 November 2002 and his representative on the 11 December 2002. However, the Chamber received no response.

G. CH/99/2164 Milka KRČMAR

21. The application was introduced on 12 May 1999 and registered on 13 May 1999.

22. The case concerns the applicant's attempts to regain possession of her apartment located at Ulica Muhameda Mehmedbašića no. 31 in Sarajevo.

23. On 26 November 2002, the Chamber sent a letter to applicant at her pre-war address. An unidentified person signed the return receipt on 29 November 2002. On 10 December 2002, the Chamber sent a second letter to the applicant at her contact address, via registered mail, requesting her to inform the Chamber whether the matter was resolved, and if so, to clarify whether she wished to continue the proceedings before the Chamber. The Chamber cautioned the applicant that if she failed to respond, the Chamber might decide to strike out the application. The contact person signed the registered return receipt on 12 December 2002. However, the Chamber received no response.

H. CH/99/2204 Dragan DRVENICA

24. The application was introduced on 13 May 1999 and registered on 26 May 1999.

25. The case concerns the applicant's attempts to regain possession of his apartment located at Ulica Trg Heroja no. 11 in Sarajevo.

26. On 26 November and 10 December 2002, the Chamber sent letters to the applicant's pre-war and contact addresses. Both letters were sent via registered mail, requesting him to inform the Chamber whether the matter was resolved, and if so, to clarify whether he wished to continue the proceedings before the Chamber. The Chamber cautioned the applicant that if he failed to respond, the Chamber might decide to strike out the application. On 28 November 2002, the applicant signed the registered return receipt for the letter sent to his pre-war address. On 13 December 2002, the return receipt of the letter sent to his contact address was signed by an unidentified person. However, the applicant failed to respond to the Chamber's request.

I. CH/99/2241 Dobro MILIĆ

27. The application was introduced on 31 May 1999 and registered on the same day.

28. The case concerns the applicant's attempts to regain possession of his house located at Ulica Alipašina no. 115 in Sarajevo.

29. The Chamber sent one letter to the applicant on 31 October 2001, two letters on 25 April 2002 to his temporary address and pre-war address, and one letter on 15 May 2002. All the letters were sent via registered mail, requesting him to inform the Chamber whether the matter was resolved, and if so, to clarify whether he wished to continue the proceedings before the Chamber. The Chamber cautioned the applicant that if he failed to respond, the Chamber might decide to strike out the application. On 7 November 2001 and 18 May 2002, the return receipts were signed by an unidentified person. On 27 April and 4 May 2002, the applicant signed the registered return receipts. However, the applicant failed to respond to the Chamber's request.

J. CH/99/2293 Milorad LALIĆ

30. The application was introduced on 7 June 1999 and registered on 14 June 1999. The applicant is represented by Milomir Jočić, a lawyer.

31. The case concerns the applicant's attempts to regain possession of his apartment located at Ulica Bolnička no. 11 in Sarajevo.

32. On 26 November 2002, the Chamber sent letters to the applicant's pre-war address and to his representative. The letters were sent via registered mail, requesting them to inform the Chamber whether the matter was resolved, and if so, to clarify whether the applicant wished to continue the proceedings before the Chamber. The Chamber cautioned the applicant and his representative that if they failed to respond, the Chamber might decide to strike out the application. The first letter sent to the applicant on 26 November 2002 was returned to the Chamber with the notation "not requested". On 11 December 2002, the Chamber sent a second letter to the applicant's pre-war address, which he received on 12 December 2002. The applicant's representative signed the registered return receipt for his letter on 29 November 2002.

33. On 11 December 2002, the Registry of the Chamber contacted the applicant by telephone. The applicant said that he had been reinstated into possession of his apartment and that he will not continue his proceeding before the Chamber, but he refused to send a written statement to confirm this information.

K. CH/99/2547 Đurđica JANJIĆ

34. The application was introduced on 17 June 1999 and registered on 21 June 1999. The applicant is represented by Senija Poropat, a lawyer.

35. The case concerns the applicant's attempts to regain possession of her apartment located at Ulica Jahijela Fincija no. 30 in Ilidža.

36. On 26 November and 10 December 2002, the Chamber sent letters to the applicant and to her representative. Both letters were sent via registered mail, requesting them to inform the Chamber whether the matter was resolved, and if so, to clarify whether the applicant wished to continue the proceedings before the Chamber. The Chamber cautioned the applicant and her representative that if they failed to respond, the Chamber might decide to strike out the application. The applicant signed the registered return receipt on 30 November 2002 and her representative on the 16 December 2002. However, the Chamber received no response.

L. CH/99/2569 Zdravko JEFTIĆ

37. The application was introduced on 21 June 1999 and registered on 23 June 1999.

38. The case concerns the applicant's attempts to regain possession of his apartment located at Ulica Alipašina no. 8 in Sarajevo.

39. On 26 November and 10 December 2002, the Chamber sent letters to the applicant's pre-war address and to his temporary address. Both letters were sent via registered mail, requesting him to inform the Chamber whether the matter was resolved, and if so, to clarify whether he wished to continue the proceedings before the Chamber. The Chamber cautioned the applicant that if he failed to respond, the Chamber might decide to strike out the application. The applicant signed the registered return receipts on 8 November and 11 December 2002. However, he failed to respond to the Chamber's request.

M. CH/99/3093 M.DŽ.

40. The application was introduced on 1 November 1999 and registered on 2 November 1999.

41. The case concerns the applicant's attempts to regain possession of his apartment located at Trg Heroja no. 35 in Sarajevo.

42. On 11 November 2002, the Chamber sent two letters to the applicant, one to his pre-war address and the other to his temporary address. Both letters were sent via registered mail, requesting him to inform the Chamber whether the matter was resolved, and if so, to clarify whether he wished to continue the proceedings before the Chamber. The Chamber cautioned the applicant that if he failed to respond, the Chamber might decide to strike out the application. On 15 November 2002, the applicant signed the registered return receipt of the letter sent to his temporary address. The second letter, which was sent to the applicant's pre-war address in Sarajevo, was returned to the Chamber with the notation "moved".

N. CH/02/9545 Darinka ĐOKOVIĆ

43. The application was introduced on 15 March 2002 and registered on the same day.

44. The applicant complained of her inability to repossess her pre-war apartment, located at Ulica Prijedorska no. 16 in Sarajevo.

45. On 29 January 2003, the Chamber sent two letters via registered mail to the applicant, one to her temporary address and the other to her pre-war apartment in Sarajevo, requesting an update on the status of the case.

46. On 31 February 2003, the Chamber received a return receipt signed by the applicant at the address of her pre-war apartment. The Chamber cautioned the applicant in both letters that if she failed to respond within two weeks from the date of the letters, the Chamber might decide to strike out the application. The applicant has not yet responded to the Chamber.

III. OPINION OF THE CHAMBER

47. 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.”

48. 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.

IV. CONCLUSION

49. 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