



## **DECISION TO STRIKE OUT**

**Case nos. CH/98/968 and CH/00/6552**

**Rasim ŠKORIĆ and Aida NUHODŽIĆ**

**against**

**THE REPUBLIKA SRPSKA**

**Case nos. CH/99/1430, CH/99/2543, CH/99/2874, CH/00/5369, CH/01/8489  
and CH/02/10069**

**Pero TEŠIĆ, Milena MALEŠEVIĆ, Saveta TOMIĆ, Ivanka KALJANAC, Dž. H.  
and Danica LAZIĆ**

**against**

**THE FEDERATION OF BOSNIA AND HERZEGOVINA**

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 7 May 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 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/98/968 Rasim ŠKORIĆ**

3. The application was introduced on 28 January 1998 and registered on 18 August 1998.

4. The case concerns the applicant's attempts to regain possession of his pre-war property in Banja Luka, the Republika Srpska.

5. On 19 March 2003, the Chamber sent a letter to the applicant requesting him to update the status of his case. This letter specifically cautioned the applicant that if he did not respond, the Chamber might decide to strike out the application. The letter was returned to the Chamber with the notation "moved". The applicant did not provide the Chamber with any new contact address.

### **B. CH/99/1430 Pero TEŠIĆ**

6. The application was introduced on 12 January 1999 and registered on the same day.

7. The applicant complained of his inability to regain possession of his apartment located at Ulica Semira Frašte 1/X, in Sarajevo.

8. On 15 January 2003, the Chamber sent a letter via registered mail to the applicant requesting an update on the status of his case. The applicant's neighbour signed the registered return receipt, which the Chamber received on 23 January 2003, but the applicant failed to answer.

9. On 12 February 2003, the Chamber once again sent a letter via registered mail to the applicant. This letter was returned to the Chamber with the notation "moved".

10. The applicant did not inform the Chamber of any new contact address.

### **C. CH/99/2543 Milena MALEŠEVIĆ**

11. The application was introduced on 10 June 1999 and registered on 21 June 1999.

12. The case concerns the applicant's attempts to regain possession of her apartment located at Trg Solidarnosti no. 39/XII, in Sarajevo.

13. On 26 November and 10 December 2002, the Chamber sent letters via registered mail to the applicant's pre-war address and contact address requesting her to inform it 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 applicant signed the return receipt on 11 December 2002 for the letter sent to her contact address. The other return receipt was signed by an unidentified person on 28 November 2002. However, the Chamber received no response from the applicant.

### **D. CH/99/2874 Saveta TOMIĆ**

14. The application was introduced on 16 September 1999 and registered on 21 September 1999.

15. The case concerns the applicant's attempts to regain possession of her apartment located at Ulica Voje Dimitrijevića no. 9, in Sarajevo.

16. On 28 February and 17 March 2003, the Chamber sent letters via registered mail to the applicant's pre-war address and contact address requesting her to inform it 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 letters were returned to the Chamber with the notation "unknown". The applicant did not provide the Chamber with any new contact address.

**E. CH/00/5369 Ivanka KALJANAC**

17. The application was introduced on 19 June 2000 and registered on the same day.

18. The applicant complained of her inability to regain possession of her apartment located at Ulica Maršala Tita 19/II, in Sarajevo.

19. On 24 January, 12 February and 26 March 2003, the Chamber sent letters via registered mail to the applicant requesting an update on the status of the case. All the letters sent to the applicant were returned to the Chamber with the notation "moved". The applicant did not provide the Chamber with any new contact address.

**F. CH/00/6552 Aida NUHODŽIĆ**

20. The application was introduced on 6 December 2000 and registered on the same day.

21. The case concerns the applicant's attempts to regain possession of her pre-war apartment located at Ulica Indire Gandi no.13 in Dobrinja IV, Srpsko Sarajevo.

22. On 19 March 2003, the Chamber sent a letter to the applicant requesting her to update the status of her case within two weeks. The letter was returned to the Chamber with the notation "moved". The applicant did not provide the Chamber with any new contact address.

**G. CH/01/8489 Dž. H.**

23. The application was introduced on 28 November 2001 and registered on the same day.

24. The applicant complained of his inability to repossess his pre-war apartment, located at Ulica Stjepana Radića 76 b, in Mostar.

25. On 24 January and 12 February 2003, the Chamber sent letters, via registered mail, to the applicant requesting an update on the status of the case. The applicant signed the registered return receipts on 28 January and 17 February 2003, but he failed to respond.

**H. CH/02/10069 Danica LAZIĆ**

26. The application was introduced on 29 April 2002 and registered on the same day.

27. The applicant complained of her inability to repossess her pre-war house located at Ulica Bratstva i Jedinstva 8, in Hadžići.

28. On 14 February and 20 March 2003, the Chamber sent letters via registered mail to the applicant's pre-war and contact addresses requesting an update on the status of her case. The applicant received the first letter on 22 February 2003, but she failed to respond. The second letter was returned to the Chamber as undeliverable.

## II. OPINION OF THE CHAMBER

29. 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.”

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

31. Considering that the applicants did not respond to any of the Chamber’s letters and several of them also did not provide the Chamber with a new contact address so that it may communicate with them about their applications, 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

32. 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