



DECISION TO STRIKE OUT

Case nos. CH/99/1449, CH/99/2086, CH/99/2835 and CH/00/5222

Rasim BAJRAKTAREVIĆ, Jelena SIMIĆ, Karlo PRSKALO and Mihret DURAKOVIĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 4 July 2003 with the following members present:

Ms. Michèle PICARD, President
Mr. Miodrag PAJIĆ, Vice-President
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 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/99/1449 Rasim BAJRAKTAREVIĆ

3. The application was introduced on 19 January 1999 and registered on the same day.

4. The case concerns the applicants' attempts to regain possession of his pre-war apartment located in Sarajevo, the Federation of Bosnia and Herzegovina.

5. On 14 May 2003, the Chamber sent a letter, via registered mail, to the applicant's representative at the address he submitted to the Chamber, asking whether the applicant had succeeded in repossessing his apartment. The Chamber cautioned that if it received no response, it might decide to strike out the application. The applicant's representative signed the registered return receipt on 15 May 2003; however, the Chamber received no response.

B. CH/99/2086 Jelena SIMIĆ

6. The application was introduced on 22 April 1999 and registered on 26 April 1999

7. The case concerns the applicant's attempts to regain possession of her pre-war property located in Sarajevo, the Federation of Bosnia and Herzegovina.

8. On 19 March 2003 and 14 May 2003, the Chamber sent letters, via registered mail, to the applicant's representative requesting an update on the status of the case within two weeks. These letters specifically cautioned the applicant that if no response was received, the Chamber might decide to strike out the application. The applicant's representative signed the registered return receipts, the first on an unknown date and the second on 19 May 2003, but the Chamber received no response.

C. CH/99/2835 Karlo PRSKALO

9. The application was introduced on 3 September 1999 and registered on 13 September 1999.

10. The case concerns the applicant's attempts to regain possession of his pre-war apartment located in Visoko, the Federation of Bosnia and Herzegovina.

11. On 14 May 2003, the Chamber sent a letter, via registered mail, to the applicant at the address he submitted to the Chamber, asking whether he had succeeded in repossessing his apartment. The Chamber cautioned that if it received no response, it might decide to strike out the application. The applicant signed the registered return receipt on 16 May 2003; however, the Chamber received no response.

D. CH/00/5222 Mihret DURAKOVIĆ

12. The application was introduced on 22 June 2000 and registered on 23 June 2000.

13. The case concerns the applicant's attempts to regain possession of his pre-war apartment located in Čapljina, the Federation of Bosnia and Herzegovina.

14. On 11 November 2002 and 14 May 2003, the Chamber sent letters, via registered mail, to the applicant at the address he submitted to the Chamber, asking whether he had succeeded in

repossessing his apartment. The Chamber cautioned that if it received no response, it might decide to strike out the application. The applicant signed the registered return receipts on 13 November 2002 and 15 May 2003; however, the Chamber received no response.

II. OPINION OF THE CHAMBER

15. 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.”

16. Considering that the applicants did not respond to the Chamber’s letters, despite the express warning that a failure to do so might result in their applications being struck out, 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

17. 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