



DECISION TO STRIKE OUT

**Cases nos. CH/99/1471, CH/99/1744
and CH/99/2561**

**Remzija BAJROVIĆ, Slavojka PERIĆ
and Vladimir RADOJČIĆ**

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 Article VIII(3)(a) of the Agreement and Rules 49(2) and 52 of the Chamber's Rules of Procedure:

I. INTRODUCTION

1. The cases concern the applicants' attempts to regain possession of their pre-war apartments.

II. STATEMENTS OF FACTS AND PROCEEDINGS

A. CH/99/1471 Remzija BAJROVIĆ

2. The application was introduced on 27 January 1999 and registered on the same day.
3. The applicant complained of his inability to repossess his pre-war apartment, located at Ulica Hasana Sušića no. 11/II, in Sarajevo.
4. In November 2002, the Registry of the Chamber had a telephone conversation with the applicant in which he stated that he had been reinstated into possession of his pre-war apartment. On 7 and 15 November 2002, the Chamber sent letters to two different addresses of the applicant asking him to confirm his reinstatement. These letters specifically cautioned the applicant that if he did not respond, the Chamber might decide to strike out his application. The letter sent to the applicant's temporary address mentioned in the application was returned to the Chamber with the notation "moved". The letter sent to the applicant's pre-war address was delivered to him on 19 November 2002. The applicant did not respond to the letter, and the time limit set for his answer has expired.

B. CH/99/1744 Slavojka PERIĆ

5. The application was introduced on 19 March 1999 and registered on the same day.
6. The applicant complained of her inability to repossess her pre-war apartment, located at Ulica Skenderija no. 54, in Sarajevo.
7. On 20 November 2002, the Chamber sent a letter to the applicant at her pre-war address asking her if she had been reinstated into possession of her apartment. This letter specifically cautioned the applicant that if she did not respond, the Chamber might decide to strike out her application. According to the delivery receipt, the applicant received this letter on 21 November 2002. However, the Chamber has not received any answer from the applicant, and the time limit set for her answer has expired.

C. CH/99/2561 Vladimir RADOJČIĆ

8. The application was introduced on 18 June 1999 and registered on 22 June 1999. The applicant is represented by Mr. Božo Mrkajić, lawyer practising in Sarajevo
9. The applicant complained of his inability to repossess his pre-war apartment, located at Ulica Patriotske lige no. 20/III, in Sarajevo.
10. On 26 November 2002, the Chamber sent letters to the applicant to his pre-war address and to the applicant's representative asking if the applicant had been reinstated into possession of his apartment. These letters specifically cautioned the applicant that if he did not respond, the Chamber might decide to strike out his application. The letter sent to the applicant's pre-war address was returned to the Chamber with the notation "moved". According to the delivery receipt, the applicant's representative received the letter from the Chamber on 29 November 2002. However, the Chamber has not received any answer from the applicant's representative, and the time limit set for his answer has expired.

III. OPINION OF THE CHAMBER

11. 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...”

12. The Chamber notes that the applicants or their appointed representative received the letters from the Chamber asking them to submit information about their possible reinstatement into possession of their pre-war apartments. The Chamber specifically cautioned the applicants that if they did not respond, the Chamber might decide to strike out their applications. Considering that the Chamber has not received an answer from any of the applicants, nor from the representative of the applicant Radojčić, and the time limit set for the answers has expired, the Chamber finds that the applicants do not intend to pursue the 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

13. 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