



DECISION TO STRIKE OUT

**Cases nos. CH/99/1531, CH/99/1743,
CH/99/2020 and CH/99/2277**

**Džemila ARNAUTALIĆ, Triša BRSTINA,
Jovo BAŠTIĆ and Jovo TOMIĆ**

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)(c) of the Agreement and Rules 49(2) and 52 of the Chamber’s Rules of Procedure:

I. INTRODUCTION

A. CH/99/1531 Džemila ARNAUTALIĆ

1. The application was introduced on 5 February 1999 and registered on 6 February 1999.
2. The applicant complained of her inability to repossess her pre-war apartment, located at Ulica Džemala Bijedića 21/II, in Sarajevo.
3. In November 2002 the Registry of the Chamber had a telephone conversation with the applicant in which she stated that she had been reinstated into possession of her pre-war apartment. On 7 and 18 November 2002, the Chamber sent letters to two different addresses of the applicant asking her to confirm her reinstatement. The letters were returned to the Chamber.

B. CH/99/1743 Triša BRSTINA

4. The application was introduced on 19 March 1999 and registered on the same day.
5. The applicant complained of his inability to repossess his pre-war apartment, located at Trg Zavnoh-a 4/V, in Sarajevo.
6. On 6 and 15 November 2002, the Chamber sent letters to two different addresses of the applicant asking him if he had been reinstated into possession of his apartment. The letters were returned to the Chamber. The letter that was sent to his pre-war apartment was returned with the notation "moved".

C. CH/99/2020 Jovo BAŠTIĆ

7. The application was introduced on 6 April 1999 and registered on the same day.
8. The applicant complained of his inability to repossess his pre-war apartment, located at Ulica Bolnička 44, in Sarajevo.
9. On 11 and 20 November 2002, the Chamber sent letters to two different addresses of the applicant asking him if he had been reinstated into possession of his apartment. The letters were returned to the Chamber. The letter that was sent to his pre-war apartment was returned with the notation "informed".

D. CH/99/2277 Jovo TOMIĆ

10. The application was introduced on 2 June 1999 and registered on the same day.
11. The applicant complained of his inability to repossess his pre-war apartment, located at Ulica Porodice Ribar 49/VIII, in Sarajevo.
12. On 26 November 2002, the Chamber sent a letter to the applicant at his pre-war address asking him if he had been reinstated into possession of his apartment. The letter was returned to the Chamber with the notation "moved". On 10 December 2002, the Registry of the Chamber had a telephone conversation with the applicant's former neighbour, whose telephone number was provided in the application. The neighbour stated that the applicant had repossessed his pre-war apartment, sold it, and moved to Krajina.

II. OPINION OF THE CHAMBER

13. Rule 46(6) of the Chamber's Rules of Procedure provides that: "applicants shall keep the Chamber informed of any change of their address and of all circumstances relevant to their application."

14. 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 ... (c) for any ... reason established by the Chamber, it is no longer justified to continue the examination of the application; provided that such a result is consistent with the objective of respect for human rights."

15. The Chamber notes that the applicants have not informed the Chamber about their most recent address, making it impossible for the Chamber to reach them and communicate with them about their applications. Moreover, it appears that the applicants have been reinstated into possession of their pre-war apartments, which was the matter raised in 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 pursuant to Article VIII(3)(c) of the Agreement.

III. CONCLUSION

16. 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