



DECISION TO STRIKE OUT

**Case nos. CH/99/2368, CH/99/2780, CH/99/2383, CH/99/2815, CH/99/2826,
CH/99/2863, CH/99/2987, CH/99/3031, CH/99/3035,
CH/99/3091, CH/99/3131, CH/99/3294, CH/99/3295, and CH/99/3374**

**Veronika PLAVULJ, Sead HEGIĆ, Mehmed KIŠMETOVIĆ, Sefer ZDIONICA, Hazim CRNKIĆ,
Hasan BERBEROVIĆ, Draguna BEĆIRBEGOVIĆ, Hamdija TALIĆ, Izet BEDŽEDOVIĆ,
Ševal ARAPOVIĆ, Ismet ADILOVIĆ, Ibro DELALIĆ, Safet IMŠIROVIĆ, and Bekir SMAJLAGIĆ**

against

THE REPUBLIKA SRPSKA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 6 December 2002 with the following members present:

Mr. Viktor MASENKO-MAVI, Acting President
Mr. Jakob MÖLLER
Mr. Mehmed DEKOVIĆ
Mr. Manfred NOWAK
Mr. Vitomir POPOVIĆ
Mr. Mato TADIĆ

Mr. Ulrich GARMS, Registrar
Ms. Olga KAPIĆ, 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 49(2) and 52 of the Chamber’s Rules of Procedure:

I. INTRODUCTION

1. The applications were introduced in the period from 27 September 1999 to 21 December 1999.
2. The applicants sought repossession of their pre-war homes in Novi Grad/Bosanski Novi, the Republika Srpska.
3. The Chamber received information from the Commission for Real Property Claims of Displaced Persons and Refugees (“CRPC”) on 16 August 2002, that the applicants were registered in the repossession database as having repossessed their pre-war property.
4. In September and October 2002, the Chamber sent the applicants each a letter via registered mail requesting that they confirm whether they had repossessed their respective pre-war property, and if they had, whether they wished to continue the proceedings before the Chamber. The Chamber cautioned all the applicants that if they failed to respond, the Chamber might decide to strike out their applications.
5. The Chamber received all the signed registered return receipts, but the applicants failed to respond to the Chamber’s letter.

II. OPINION OF THE CHAMBER

6. 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.”
7. The Chamber notes that the applicants were invited to inform the Chamber as to the status of their cases and whether they wished to continue the proceedings before the Chamber and they did not respond. Additionally, information from the CRPC repossession database indicates that the subject matter of the applications has been resolved, as it appears that the applicants have all repossessed their pre-war property. Under these circumstances, the Chamber concludes that the applicants no longer intend to pursue their applications before the Chamber. 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, in accordance with Article VIII(3)(a) of the Agreement.

III. CONCLUSION

8. For these reasons, the Chamber unanimously,

STRIKES OUT THE APPLICATIONS.

(signed)
Ulrich GARMS
Registrar of the Chamber

(signed)
Viktor MASENKO-MAVI
Acting President of the Second Panel