



DECISION TO STRIKE OUT

**Case nos. CH/99/2887, CH/99/2919, CH/99/2931, CH/99/2933,
CH/99/2995 and CH/99/3028**

**Stjepan SOBOVIĆ, Gradimir MITROVIĆ, Miroslav BUNIĆ, Anđa GLOGOVAC,
Dragan TANDARIĆ and Mila TOMETINOVIĆ**

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)(b) 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 received information that the applicants had regained possession of their apartments. The Chamber attempted to contact the applicants to obtain confirmation of this information, 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/99/2887 Stjepan SOBOVIĆ

3. The application was introduced on 21 September 1999 and registered on same day.

4. The case concerns the applicant's attempts to regain possession of his apartment located at Josipa Slavenkog no. 8, in Sarajevo, the Federation of Bosnia and Herzegovina.

5. On 25 February 2003, Chamber received a letter from the Federation of Bosnia and Herzegovina ("the Federation") informing it that the applicant had been reinstated into possession of his pre-war apartment on 21 June 2000.

6. On 28 February 2003, the Chamber sent a letter to the applicant, to his pre-war address. The letter was sent via registered mail, requesting him to inform the Chamber whether the matter was resolved, and if so, to clarify whether he wished to continue the proceedings before the Chamber. The Chamber cautioned the applicant that if he failed to respond, the Chamber might decide to strike out the application.

7. According to the registered return receipt, the applicant received the letter on 4 March 2003. To date, he has not answered this letter.

B. CH/99/2919 Gradimir MITROVIĆ

8. The Chamber registered the application on 27 September 1999.

9. The case concerns the applicant's attempt to regain possession of his apartment located at Trg Teheranski no. 4/1 in Sarajevo, the Federation.

10. On 25 February 2003, Chamber received a letter from the Federation informing it that the applicant had been reinstated into possession of his pre-war apartment on 18 January 2001.

11. On 28 February 2003, the Chamber sent a letter to the applicant, to his pre-war address. The letter was sent via registered mail, requesting him to inform the Chamber whether the matter was resolved, and if so, to clarify whether he wished to continue the proceedings before the Chamber. The Chamber cautioned the applicant that if he failed to respond, the Chamber might decide to strike out the application.

12. According to the registered return receipt, the applicant received the letter on 5 March 2003. To date, he has not answered this letter.

C. CH/99/2931 Miroslav BUNIĆ

13. The application was introduced to the Chamber on 28 September 1999.

14. The case concerns the applicant's attempt to regain possession of his apartment located at Ulica Jukićeva no. 2/IV in Sarajevo, the Federation.

15. On 25 February 2003, Chamber received a letter from the Federation informing it that the applicant had been reinstated into possession of his pre-war apartment on 24 May 2002.

16. On 28 February 2003, the Chamber sent a letter to the applicant, to his pre-war address. The letter was sent via registered mail, requesting him to inform the Chamber whether the matter was resolved, and if so, to clarify whether he wished to continue the proceedings before the Chamber. The Chamber cautioned the applicant that if he failed to respond, the Chamber might decide to strike out the application. However, the applicant failed to answer this letter.

D. CH/99/2933 Anđa GLOGOVAC

17. The application was introduced to the Chamber on 28 September 1999.

18. The case concerns the applicant's attempt to regain possession of her apartment located at Ulica Moše Pijade no. 77/2 in Sarajevo, the Federation.

19. On 25 February 2003, Chamber received a letter from the Federation informing it that the applicant had been reinstated into possession of her pre-war apartment on 24 June 2002.

20. On 28 February 2003, the Chamber sent a letter to the applicant's pre-war address and another to the applicant's representative, via registered mail, inviting them to inform it whether the applicant intended to pursue her application before the Chamber and if so, on which grounds. The Chamber cautioned the applicant and her representative that if they failed to respond within 2 weeks, the Chamber might decide to strike out the application.

21. The applicant's representative received the letter on 19 March 2003, but the Chamber has not received any response from her. The letter sent to the applicant's pre-war address was returned to the Chamber with the notation "unknown".

E. CH/99/2995 Dragan TANDARIĆ

22. The application was introduced to the Chamber on 8 October 1999.

23. The case concerns the applicant's attempt to regain possession of his apartment located at Ulica Branilaca Sarajeva no. 51 in Sarajevo, the Federation.

24. On 25 February 2003, Chamber received a letter from the Federation informing it that the applicant had been reinstated into possession of his pre-war apartment on 6 October 1999.

25. On 28 February 2003, the Chamber sent a letter to the applicant, to his pre-war address. The letter was sent via registered mail, requesting him to inform the Chamber whether the matter was resolved, and if so, to clarify whether he wished to continue the proceedings before the Chamber. The Chamber cautioned the applicant that if he failed to respond, the Chamber might decide to strike out the application. Although the applicant received the letter on 5 March 2003, to date the Chamber has not received any response from him.

F. CH/99/3028 Mila TOMETINOVIĆ

26. The application was introduced to the Chamber on 20 October 1999.

27. The case concerns the applicant's attempt to regain possession of her apartment located at Trg Međunarodnog Prijateljstva no. 18/VII in Sarajevo, the Federation.

28. On 25 February 2003, Chamber received a letter from the Federation informing it that the applicant had been reinstated into possession of her pre-war apartment on 12 November 1999.

29. On 28 February 2003, the Chamber sent a letter to the applicant, to her pre-war address. The letter was sent via registered mail, requesting her to inform the Chamber 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. However, the applicant failed to answer to this letter.

II. OPINION OF THE CHAMBER

30. 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 ... (b) the matter has been resolved; ... provided that such a result is consistent with the objective of respect for human rights.”

31. Considering that the Chamber has received information that the applicants have entered into possession of their pre-war apartments, the Chamber finds that the matter raised in the applications has been resolved. 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)(b) 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