



## **DECISION TO STRIKE OUT**

**Case nos. CH/99/3172 and CH/01/7330**

**Nevezeta ČAUŠEVIĆ and Krsto ZEKOVIĆ**

**against**

**THE REPUBLIKA SRPSKA**

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 1 April 2003 with the following members present:

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

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 Rule 34, 49(2) and 52 of the Chamber’s Rules of Procedure:

## I. INTRODUCTION

1. On 1 April 2003 the Chamber, considering the similarity between the facts of the cases and the complaints of the applicants, decided to join the present applications in accordance with Rule 34 of the Rules of Procedure. It adopted this decision on the same day.

### A. **CH/99/3172 Nevzeta ČAUŠEVIĆ**

2. The application was introduced on 10 November 1999 and registered on 17 November 1999.

3. The applicant complains of her inability to repossess her pre-war home located at Ulica Banjalučka no. 16 in Novi Grad, the Republika Srpska.

4. The Chamber was informed by the Human Rights Ombudsman of Bosnia and Herzegovina that the applicant repossessed her home on 22 January 2002. The Commission for Real Property Claims (CRPC) also confirmed that the applicant had repossessed her pre-war property.

5. The Chamber sent a letter via registered mail to the applicant on 30 September 2002 asking her to confirm this information, and inform the Chamber if she wishes to continue proceedings before the Chamber. The letter cautioned the applicant that if she did not respond, the Chamber might decide to strike out the application.

6. On 12 February 2003, the Chamber sent a second similar letter, via registered mail, to the applicant. The registered return receipts were returned to the Chamber with the signature of the applicant, but she did not respond.

### B. **CH/01/7330 Krsto ZEKOVIĆ**

7. The application was introduced on 26 March 2001 and registered on 27 March 2001.

8. The case concerns the applicant's attempts to regain possession of his pre-war property, located at Glasinačka no. 17 in Sokolac, the Republika Srpska.

9. On 27 September 2001 the Chamber transmitted the application to the respondent Party for its observations on admissibility and merits under Article 6 of the European Convention on Human Rights ("the Convention") and Article 1 of Protocol No. 1 to the Convention.

10. On 4 December 2001 the Republika Srpska informed the Chamber that the applicant had entered into possession of his pre-war apartment on 31 August 2001.

11. On 13 December 2001, the Chamber sent documents received from the respondent Party to the applicant asking him to confirm the information about his reinstatement within three weeks. This letter specifically cautioned the applicant that if no response was received, the Chamber might decide to strike out the application. According to the delivery receipt, the applicant received this letter 22 December 2001. The deadline set for the answer has expired and the Chamber has not received any answer from the applicant.

## II. OPINION OF THE CHAMBER

12. 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."

13. Considering that the Chamber has received information that the applicants have entered into possession of their respective pre-war properties, 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.

**III. CONCLUSION**

14. For these reasons, the Chamber, unanimously,

**JOINS THE APPLICATIONS**  
**and**  
**STRIKES OUT THE APPLICATIONS.**

(signed)  
Ulrich GARMS  
Registrar of the Chamber

(signed)  
Mato TADIĆ  
President of the Second Panel