



DECISION TO STRIKE OUT

**Case nos. CH/00/4806, CH/00/5191,
CH/00/5196, CH/00/5203 and CH/00/5210**

**Asim KORAJČEVIĆ, Mehmed VELAGIĆ,
Jusuf BEĆIROVIĆ, Hajrudin JUNUZOVIĆ and Huso GRADAŠČEVIĆ**

against

THE REPUBLIKA SRPSKA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 4 February 2003 with the following members present:

Mr. Mato TADIĆ, President
Mr. Jakob MÖLLER
Mr. Mehmed DEKOVIĆ
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 Article VIII(3)(b) 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 property located in Janja, Municipality Bijeljina, the Republika Srpska.
2. In 2002, on specific dates unknown to the Chamber, all five applicants entered into possession of their pre-war property.

II. FACTS

A. Case no. CH/00/4806 Asim KORAJČEVIĆ

3. The applicant is the owner of a house located at Hercegovačka 13 in Janja. On a date unknown to the Chamber, the applicant submitted a request for repossession of his property to the Commission for Real Property Claims of Displaced Persons and Refugees ("CRPC"). On 8 October 1998, the CRPC issued a decision confirming that the applicant was a *bona fide* possessor of the property on 1 April 1992. On 20 January 2000, the applicant filed a request for execution of the CRPC decision to the Ministry of Refugees and Displaced Persons in the Republika Srpska, Department in Bijeljina (the "Ministry"). There is no evidence in the case file that the Ministry issued a conclusion on the enforcement of the CRPC decision.

B. Case no. CH/00/5191 Mehmed VELAGIĆ

4. The applicant is the owner of a house located at Maršala Tita bb in Janja. On a date unknown to the Chamber, the applicant submitted a request for repossession of his property to the CRPC. On 9 December 1999, the CRPC issued a decision confirming that the applicant was a *bona fide* possessor of the property on 1 April 1992. On 22 March 2000, the applicant filed a request for execution of the CRPC decision to the Ministry. There is no evidence in the case file that the Ministry issued a conclusion on the enforcement of the CRPC decision.

C. Case no. CH/00/5196 Jusuf BEĆIROVIĆ

5. The applicant is the owner of a house located at Kosovska 140 in Janja. On a date unknown to the Chamber, the applicant submitted a request for repossession of his property to the CRPC. On 8 October 1998, the CRPC issued a decision confirming that the applicant was a *bona fide* possessor of the property on 1 April 1992. On 9 March 2000, the applicant filed a request for execution of the CRPC decision to the Ministry. There is no evidence in the case file that the Ministry issued a conclusion on the enforcement of the CRPC decision.

D. Case no. CH/00/5203 Hajrudin JUNUZOVIĆ

6. The applicant is the owner of a house located at Vojvode Stepe 36 in Janja. On a date unknown to the Chamber, the applicant submitted a request for repossession of his property to the CRPC. On 30 July 1998, the CRPC issued a decision confirming that the applicant was a *bona fide* possessor of the property on 1 April 1992. On 27 December 1999, the applicant filed a request for execution of the CRPC decision to the Ministry. There is no evidence in the case file that the Ministry issued a conclusion on the enforcement of the CRPC decision.

E. Case no. CH/00/5210 Huso GRADAŠČEVIĆ

7. The applicant is the owner of a house located at Braće Lazića 253 in Janja. On a date unknown to the Chamber, the applicant submitted a request for repossession of his property to the CRPC. On 12 November 1998, the CRPC issued a decision confirming that the applicant was a *bona fide* possessor of the property on 1 April 1992. On 2 December 1999, the applicant filed a request for execution of the CRPC decision to the Ministry. There is no evidence in the case file that the Ministry issued a conclusion on the enforcement of the CRPC decision.

III. PROCEEDINGS BEFORE THE CHAMBER

8. The applications were introduced between 5 May and 21 June 2000 and registered between 8 May and 23 June 2000. The applicants are all represented by Mr. Salkan Gradašćević.

9. Between 11 October and 18 October 2001, the Chamber transmitted the applications to the respondent Party for its observations on the admissibility and merits under Articles 6, 8, 13 and 14 of the European Convention on Human Rights (the "Convention") and Article 1 of Protocol No. 1 to the Convention. On 10 December 2001, the respondent Party submitted its observations.

10. Between 4 October and 27 November 2002, the applicants' representative, Mr. Salkan Gradašćević, submitted information to the Chamber that all five applicants had regained possession of their pre-war property.

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

12. Considering that the applicants' representative has informed the Chamber that the applicants have been reinstated into possession of their pre-war property, 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.

V. CONCLUSION

13. For these reasons, the Chamber, unanimously,

STRIKES OUT THE APPLICATIONS.

(signed)
Ulrich GARMS
Registrar of the Chamber

(signed)
Mato TADIĆ
President of the Second Panel