



DECISION TO STRIKE OUT

**Case nos. CH/00/3517, CH/00/6360, CH/01/7383,
CH/01/7403 and CH/01/7585**

**Sulejman IMAMOVIĆ, M.R., Simo OKUKA,
Milenko ADŽIĆ and Jesenka HADŽIMEHANOVIĆ-ĆEMALOVIĆ**

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 2 April 2003 with the following members present:

Ms. Michèle PICARD, President
Mr. Miodrag PAJIĆ, Vice-President
Mr. Dietrich RAUSCHNING
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. The cases concern the applicants' attempts to regain possession of their pre-war property located within the territory of the Federation of Bosnia and Herzegovina.

II. FACTS

1. Case no. CH/00/3517 Sulejman IMAMOVIĆ

2. The applicant is a shoemaker who operated a business before the armed conflict in rented business premises located at ulica Zelenih beretki 58 in Sarajevo. The owner of the business premises is the Municipality Stari Grad (the "Municipality"). On 2 September 1996, the applicant submitted a request to the Municipality for repossession of the business premises he used before the armed conflict. On 12 July 2001, the Municipality issued a decision allowing him to repossess the business premises in question.

3. On a date unknown to the Chamber, the applicant entered into possession of the business premises at Zelenih beretki 58 in Sarajevo.

2. Case no. CH/00/6360 M.R.

4. The applicant is the occupancy right holder of an apartment located at ulica Behdžta Mutevelića 95 in Sarajevo. On a date unknown to the Chamber, the applicant submitted a request for repossession of her apartment to the Administration for Housing Affairs of Canton Sarajevo. On 20 July 1998, the Administration issued a decision allowing her to repossess her pre-war apartment. On 22 October 1998, the applicant filed a request for execution of the decision of 20 July 1998 to the same Administration.

5. On the date unknown to the Chamber, the applicant entered into possession of her pre-war apartment.

3. Case no. CH/00/01/7383 Simo OKUKA

6. The applicant is the occupancy right holder of an apartment located at ulica Ante Zvanića 20 in Mostar. On a date unknown to the Chamber, the applicant submitted a request for repossession of his apartment to the Commission for Real Property Claims of Displaced Persons and Refugees ("CRPC"). On 24 October 2000, the CRPC issued a decision confirming the applicant's occupancy right over his pre-war apartment. On 22 November 2000, the applicant filed a request for execution of the CRPC decision to the Department for Building, Urban Planning, Housing and Utilities of Mostar-West Municipality (Odjel graditeljstva, prostornog uređenja i stambeno-komunalnih poslova).

7. On a date unknown to the Chamber, the applicant entered into possession of his pre-war apartment.

4. Case no. CH/01/7403 Milenko ADŽIĆ

8. The applicant is the occupancy right holder of an apartment located at ulica Halid-bega Hrasnice 6 in Hrasnica, near Sarajevo. On a date unknown to the Chamber, the applicant submitted a request for repossession of his apartment to the CRPC. On 25 July 2000, the CRPC issued a decision confirming the applicant's occupancy right over his pre-war apartment. On 20 September 2000, the applicant filed a request for execution of the CRPC decision to the Administration for Housing Affairs of Canton Sarajevo (Uprava za sambena pitanja Kantona Sarajevo).

9. On 28 March 2002, the applicant entered into possession of his pre-war apartment.

5. Case no. CH/01/7585 Jesenka HADŽIMEHANOVIĆ-ĆEMALOVIĆ

10. The applicant is the occupancy right holder of an apartment located at ulica Gojka Šuška 103 in Čapljina. On 28 August 1998, the applicant submitted a request for repossession of her apartment to the Department of General Administration, Sport and Culture of the Municipality Čapljina (Odjel opće uprave, športa i kulture). On 30 January 2002, the Department issued a procedural decision confirming the applicant's occupancy right and allowing her to repossess the apartment in question.

11. On 1 August 2002, the temporary occupant vacated the apartment in question and it was sealed until the applicant takes possession of it.

iii. PROCEEDINGS BEFORE THE CHAMBER

12. The applications were introduced between 17 January 2000 and 11 June 2001. Case nos. CH/00/3517, CH/00/6360 and CH/01/7383 were not transmitted. Case nos. CH/01/7403 and CH/01/7585 were transmitted to the respondent Party for its observations on the admissibility and merits under Articles 6, 8 and 14 of the European Convention on Human Rights (the "Convention") and Article 1 of Protocol No. 1 to the Convention. On 18 July 2002 and 27 November 2001, respectively, the respondent Party submitted its observations.

13. On 13 December 2001, the applicant Sulejman IMAMOVIĆ in case no. CH/00/3517 informed the Chamber that he had regained possession of his pre-war property. On 10 December 2001 and 10 March 2003, the applicant M.R. informed the Chamber that she had regained possession of her pre-war apartment, and on 31 January 2002, the applicant Simo OKUKA informed the Chamber about his repossession.

14. On 18 July 2002 and 15 August 2002, the respondent Party submitted information to the Chamber that the applicants in case nos. CH/01/7403 and CH/01/7585 had regained possession of their pre-war apartments. On 18 July 2002 and 31 August 2002, the Chamber sent letters by registered mail to these applicants, asking them to confirm their reinstatement into possession of their pre-war apartments. However, the Chamber has not received any responses from the applicants and the deadline set has expired.

15. 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.

IV. OPINION OF THE CHAMBER

16. 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."

17. Considering that the applicants have regained 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.

V. CONCLUSION

18. 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