



DECISION TO STRIKE OUT

Case nos. CH/98/297, CH/98/611 and CH/98/788

Martin ERMAN, Milorad BADNJAREVIĆ and E.S.

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

Case nos. CH/98/454 and CH/98/551

Kosa BUNDALO and Alija GARIBIJA

against

BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 7 May 2003 with the following members present:

Ms. Michèle PICARD, President
Mr. Miodrag PAJIĆ, Vice-President
Mr. Dietrich RAUSCHNING
Mr. Hasan BALIĆ
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 Rule 34, 49(2) and 52 of the Chamber's Rules of Procedure:

I. INTRODUCTION

1. The cases concern the applicants' attempts to repossess their pre-war apartments and/or to register their ownership over their respective apartments, which they had purchased from the former JNA (Yugoslav National Army) Housing Fund prior to the armed conflict. The Chamber sent letters to all the applicants between 24 March and 21 April 2003, asking them to confirm whether they had succeeded in repossessing and/or being registered as the owner of their apartments. All the applicants responded positively.

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/98/297 Martin ERMAN

3. The application was introduced on 6 February 1998 and registered on 10 April 1998.

4. The apartment in question is located at Ulica Muharema Fizovića Fiska 11 in Tuzla, the Federation of Bosnia and Herzegovina.

5. On 2 April 2003, the applicant informed the Chamber that he had succeeded in being registered as the owner of the apartment in question.

B. CH/98/611 Milorad BADNJAREVIĆ

6. The application was introduced on 28 April 1998 and registered on 15 May 1998.

7. The apartment in question is located at Ulica Skenderija 20 in Sarajevo, the Federation of Bosnia and Herzegovina.

8. On 23 April 2003, the applicant informed the Chamber that he had repossessed the apartment in question and obtained an order to be registered as the owner of it from the Federation Ministry of Defence.

C. CH/98/788 E.S.

9. The application was introduced on 21 July 1998 and registered on the same day.

10. The apartment in question is located at Ulica Zagrebačka 57a in Sarajevo, the Federation of Bosnia and Herzegovina.

11. On 23 April 2003, the applicant informed the Chamber that he had repossessed the apartment in question and obtained an order to be registered as the owner of it from the Federation Ministry of Defence.

D. CH/98/454 Kosa BUNDALO

12. The application was introduced on 19 March 1998 and registered on 10 April 1998.

13. The apartment in question is located at Ulica Patriotske Lige 48 in Sarajevo, the Federation of Bosnia and Herzegovina.

14. On 9 April 2003, the applicant informed the Chamber that she had succeeded in being registered as the owner of the apartment in question.

E. CH/98/551 Alija GARIBIJA

15. The application was introduced on 20 April 1998 and registered on 14 May 1998.

16. The apartment in question is located at Ulica Koste Hermana 13 in Sarajevo, the Federation of Bosnia and Herzegovina.

17. On 15 April 2003, the applicant informed the Chamber that he had obtained an order to be registered as the owner of the apartment in question from the Federation Ministry of Defence.

II. OPINION OF THE CHAMBER

18. 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.”

19. Considering that the applicants have informed the Chamber that they have succeeded in repossessing and/or acquiring the right to be registered as the owner of their respective apartments, the Chamber finds that the matters raised in the applications have 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

20. 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