



DECISION TO STRIKE OUT

Case nos. CH/98/215 and CH/98/811

J.V. and Sonja ŠULENTIĆ

against

THE FEDERATION OF 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 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 applicants sought repossession of their pre-war apartments, and they informed the Chamber that they had been reinstated into possession of their apartments.

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/98/215 J.V.

3. The application was introduced on 24 February 1998 and registered on 6 March 1998.

4. The applicant complains of her inability to repossess her pre-war apartment located at Ulica Ismeta Mujezinovića 18/II in Sarajevo, the Federation of Bosnia and Herzegovina.

5. On 19 June 2001, the respondent Party informed the Chamber that the applicant had repossessed her pre-war apartment on 1 June 2001.

6. On 7 April 2003, the Chamber sent a letter to the applicant requesting her to confirm this information and to state whether she considers the matter to be resolved.

7. On 10 April 2003, the applicant confirmed to the Chamber that the proceedings in her case were concluded and that she considers the matter resolved.

B. CH/98/811 Sonja ŠULENTIĆ

8. The application was introduced on 29 July 1998 and registered on the same day.

9. The applicant complained of her inability to repossess her pre-war apartment, located at Ulica Petra Drapšina 3, in Mostar.

10. On 27 March 2003, the applicant informed the Chamber that she had been reinstated into possession of her apartment thanks to her own actions.

II. 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. The Chamber notes that the applicants lodged their applications with a view to regaining possession of their pre-war apartments, and while their cases were still pending before the Chamber, they regained such possession. Therefore, 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

13. 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