



DECISION TO STRIKE OUT

**Case nos. CH/00/6428, CH/00/6429, CH/00/6433,
CH/00/6445, CH/00/6446, CH/00/6447,
CH/00/6452, CH/00/6454, CH/00/6491, CH/00/6492,
CH/00/6494, CH/00/6499, CH/00/6501,
CH/00/6502, CH/00/6503, CH/00/6504,
CH/00/6505, CH/00/6507, CH/00/6508,
CH/00/6509, CH/00/6512,
CH/00/6515, CH/00/6516 and CH/00/6517**

**Marko and Milka ČABRILO, Miroslav and Dobrila KUNDAČINA, Mirzo USTAMUJIĆ,
Safet and Hanka KRVAVAC, Maida and Mehmed BOSNIĆ, Nada TRIFKOVIĆ,
Zdravko PUDAR, Milorad ŠIPOVAC, Branka PERIĆ, Teofik and Azema ELEZOVIĆ,
Menaf and Munevera DURANOVIĆ, Seid and Aleksandra KOLAKOVIĆ, Ramiz DACIĆ,
Saveta KOHNIĆ, Adem and Fatima ĆORIĆ, Meho and Rahima ĆORIĆ,
Enver and Nafa ARNAUTOVIĆ, Fazlija and Olga KAJTAZ, Ziba and Nusret ČIŠIĆ,
Ihsan and Ranka MUTEVELIĆ, Ljubomir and Štefanija VUKMANOVIĆ,
Branko and Milka ŠOTRA, Ragib and Vera BEHRAM and Reuf and Atifa KOLUKČIJA**

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 6 June 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 Rules 34, 49(2) and 52 of the Chamber's Rules of Procedure:

I. INTRODUCTION

1. On 30 November 2000, all the above applications were introduced by the applicants' representative, the American Refugee Committee - Legal Aid Center ("the ARC"). The applicants filed their applications with a view to repossessing their pre-war apartments, located in the Municipalities of Zapad Mostar and Jugo-Zapad Mostar.
2. On 4 April 2003, the Federation of Bosnia and Herzegovina informed the Chamber that the applicants had been reinstated into possession of their pre-war apartments. It further submitted the minutes taken during the reinstatement processes of the applicants, each of them signed by the respective applicants.
3. On 16 April 2003, the Chamber invited the applicants' representative to inform it whether the applicants intended to pursue their applications before the Chamber and if so, on which grounds. The Chamber cautioned the ARC that if it failed to respond within three weeks, the Chamber might decide to strike out the applications. According to the registered return receipt, the ARC received the Chamber's letter on 18 April 2003.
4. The deadline set for the ARC's answer has expired and the Chamber has not received any response from the applicants' representative.
5. 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.

II. OPINION OF THE CHAMBER

6. 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."
7. Considering that the Chamber has received information that the applicants have entered into possession of their pre-war apartments, 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

8. 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