



DECISION TO STRIKE OUT

Case nos. CH/99/1674, CH/99/3293, CH/00/4015 and CH/02/12496

Fehim MALIĆ, B.E., Muhamed KAPETANOVIĆ and Risto SOČEVIĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

Case no. CH/00/4924

Mujo SILAJDŽIĆ

against

BOSNIA AND HERZEGOVINA

and

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 5 June 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 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 property, and they informed the Chamber that they had been reinstated into possession of their property.

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/99/1674 Fehim MALIĆ

3. The application was introduced on 4 March 1999 and registered on 6 March 1999.

4. The case concerns the applicant's attempts to regain possession of his business premises located at ulica Splitska no. 1 at Mostar-Jugozapad, the Federation of Bosnia and Herzegovina (the "Federation").

5. On 5 May 2003, the applicant's representative informed the Chamber that the applicant regained possession of his business premises on 15 January 2001.

B. CH/99/3293 B.E.

6. The application was introduced on 3 December 1999 and registered on 6 December 1999.

7. The case concerns the applicant's attempts to regain possession of his pre-war apartment located at Ulica Albina Herljevića no. 19, in Tuzla, the Federation.

8. On 29 April 2003, the applicant informed the Chamber that he had repossessed his pre-war apartment.

C. CH/00/4015 Muhamed KAPETANOVIĆ

9. The application was introduced on 4 February 2000 and registered on same day.

10. The case concerns the applicant's attempts to regain possession of his house located at Ulica Počitelj no. 102 in Čapljina, the Federation.

11. On 29 April 2003, the applicant informed the Chamber that he had been reinstated into possession of his house.

D. CH/00/4924 Mujo SILAJDŽIĆ

12. The application was introduced on 17 May 2000 and registered on 18 May 2000.

13. The case concerns the applicant's attempts to regain possession of his apartment located at ulica Petra Tiješić no.7 in Sarajevo, the Federation.

14. On 14 May 2003, the Chamber received a letter from the applicant's wife informing it that she had been reinstated into possession of her late husband's apartment.

E. CH/02/12496 Risto SOČEVIĆ

15. The application was introduced on 14 December 2002 and registered on same day.

16. The case concerns the applicant's attempts to regain possession of his pre-war apartment located at Bulevar Veljka Vlahovića no. 25/E in Čapljina, the Federation.

17. On 16 April 2003, the Federation informed the Chamber that the applicant had been reinstated into possession of his pre-war apartment on 7 January 2003. On 28 April 2003, the applicant confirmed to the Chamber that he had been reinstated into his pre-war apartment.

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. The Chamber notes that the applicants lodged their applications with a view to regaining possession of their pre-war property or 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

20. For these reasons, the Chamber, unanimously,

**JOINS THE APPLICATIONS and
STRIKES OUT THE APPLICATIONS.**

(signed)
Ulrich GARMS
Registrar of the Chamber

(signed)
Mato TADIĆ
President of the Second Panel