



DECISION TO STRIKE OUT

**Case nos. CH/98/743, CH/98/758, CH/98/761, CH/98/862, CH/98/888,
CH/98/973, CH/98/1001, CH/98/1002, CH/98/1009, CH/98/1347
and CH/99/1414**

**Mladen DRAGIĆEVIĆ, R.N., Alija ARAPOVIĆ, Željko KNEZ, C.M.,
Stana ANDELIĆ, M.Z., D.F., K.M., Dušan TOMAZOVIĆ
and Gojko VUKADINOVIĆ**

against

**BOSNIA AND HERZEGOVINA
and
THE FEDERATION OF BOSNIA AND HERZEGOVINA**

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 4 July 2003 with the following members present:

Ms. Michèle PICARD, President
Mr. Miodrag PAJIĆ, Vice-President
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 return into possession of 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 27 March and 12 June 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/98/743 Mladen DRAGIĆEVIĆ

3. The application was introduced on 6 July 1998 and registered on the same day.

4. The apartment in question is located at Ulica Grbavička 6 in Sarajevo, the Federation of Bosnia and Herzegovina.

5. On 21 April 2003, the applicant informed the Chamber that he had repossessed the apartment in question on 30 April 1998, and he had obtained an order to be registered as the owner of it from the Federation Ministry of Defence.

B. CH/98/758 R.N.

6. The application was introduced on 13 July 1998 and registered on the same day.

7. The apartment in question is located at Ulica Oktobarske Revolucije 2 in Tuzla, the Federation of Bosnia and Herzegovina.

8. On 18 June 2003, the applicant informed the Chamber that she had succeeded in being registered as the owner of the apartment.

C. CH/98/761 Alija ARAPOVIĆ

9. The application was introduced on 13 July 1998 and registered on the same day.

10. The apartment in question is located at Ulica Hendek 5 in Sarajevo, the Federation of Bosnia and Herzegovina.

11. On 16 June 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.

D. CH/98/862 Željko KNEZ

12. The application was introduced on 10 August 1998 and registered on the same day.

13. The apartment in question is located at Ulica Armije BiH 21 in Tuzla, the Federation of Bosnia and Herzegovina.

14. On 28 May 2003, the applicant's representative informed the Chamber that the applicant had repossessed his apartment on 3 March 2003 and that he had obtained an order to be registered as the owner of the apartment in question from the Federation Ministry of Defence.

E. CH/98/888 C.M.

15. The application was introduced on 21 August 1998 and registered on the same day.

16. The apartment in question is located at Ulica Centar II-D lamela 48 in Travnik, the Federation of Bosnia and Herzegovina.

17. On 26 May 2003, the applicant informed the Chamber that he had repossessed his apartment and he had been registered as the owner of it.

F. CH/98/973 Stana ANĐELIĆ

18. The application was introduced on 21 September 1998 and registered on the same day.

19. The apartment in question is located at Ulica Ilije Engela 9 in Sarajevo, the Federation of Bosnia and Herzegovina.

20. On 20 May 2003, the applicant informed the Chamber that she had repossessed the apartment in question and she had obtained an order to be registered as the owner of it from the Federation Ministry of Defence.

G. CH/98/1001 M.Z.

21. The application was introduced on 2 October 1998 and registered on the same day.

22. The apartment in question is located at Ulica Radojke Lakić 3 in Tuzla, the Federation of Bosnia and Herzegovina.

23. On 26 May 2003, the applicant informed the Chamber that he had succeeded in being registered as the owner of the apartment in question on 2 February 2000.

H. CH/98/1002 D.F.

24. The application was introduced on 2 October 1998 and registered on the same day.

25. The apartment in question is located at Ulica Muharema Fizovića 7 in Tuzla, the Federation of Bosnia and Herzegovina.

26. On 15 May 2003, the applicant informed the Chamber that he had succeeded in being registered as the owner of the apartment in question.

I. CH/98/1009 K.M.

27. The application was introduced on 6 October 1998 and registered on the same day.

28. The apartment in question is located at Ulica Slobodana Principa-Selje 24 in Hadžići, the Federation of Bosnia and Herzegovina.

29. On 4 June 2003, the applicant informed the Chamber that she had succeeded in being registered as the owner of the apartment in question.

J. CH/98/1347 Dušan TOMAZOVIĆ

30. The application was introduced on 10 December 1998 and registered on the same day.

31. The apartment in question is located at Ulica Senoina 10 in Sarajevo, the Federation of Bosnia and Herzegovina.

32. On 2 June 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.

K. CH/99/1414 Gojko VUKADINOVIĆ

33. The application was introduced on 5 January 1999 and registered on the same day.
34. The apartment in question is located at Ulica Džemala Bijedića 46 in Sarajevo, the Federation of Bosnia and Herzegovina.
35. On 5 June 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

36. 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.”
37. 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

38. 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