



DECISION TO STRIKE OUT

Case nos. CH/00/3946 and CH/00/3978

Husnija BAJRIĆ and Fehret DELIĆ

against

THE REPUBLIKA SRPSKA

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 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. In the following cases the Chamber attempted to contact the applicants to obtain confirmation of their reinstatement into possession of their property, but they failed to respond to the Chamber's requests.

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/00/3946 Husnija BAJRIĆ

3. The application was introduced on 20 July 2000 and registered on the same day.

4. The case concerns the applicant's attempts to regain possession of her pre-war property located in Prijedor, the Republika Srpska.

5. On 27 March 2003, the Republika Srpska informed the Chamber that the applicant had entered into possession of her pre-war property.

6. On 14 April 2003, the Chamber sent a letter to the applicant at her pre-war address requesting her to inform the Chamber within 7 days whether she would like to continue with her application. The applicant signed the registered return receipt on 15 April 2003, but she failed to respond.

B. CH/00/3978 Fehret DELIĆ

7. The application was introduced on 28 July 2000 and registered on the same day.

8. The case concerns the applicant's attempts to regain possession of his pre-war property located in Prijedor, the Republika Srpska.

9. On 27 March 2003, the respondent Party informed the Chamber that the applicant had entered into possession of his pre-war property.

10. On 14 April 2003, the Chamber sent a letter to the applicant requesting him to inform the Chamber within 7 days whether he would like to continue with his application. The applicant signed the registered return receipt on 15 April 2003, but he failed to respond.

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. Considering that the Chamber has received information that the applicants have entered into possession of their pre-war property, 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)
Mato TADIĆ
President of the Second Panel