



## **DECISION TO STRIKE OUT**

**Case nos. CH/00/4534, CH/00/5452, CH/00/5457, and CH/00/5477**

**Fika HERGIĆ, Sulejman HASANBEGOVIĆ, Hasija IZETAGIĆ, and Safet OMANOVIĆ**

**against**

**THE REPUBLIKA SRPSKA**

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 applications were introduced between 5 April 2000 and 28 July 2000 and registered between 6 April 2000 and 31 July 2000.
2. The cases concern the applicants' attempts to regain possession of their pre-war property located within the territory of the Prijedor Municipality in the Republika Srpska. According to the respondent Party, all the applicants eventually repossessed their respective pre-war property.
3. 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. FACTS AND PROCEEDINGS BEFORE THE CHAMBER**

4. Each of the applicants is owner of a property located in Prijedor, the Republika Srpska. On unknown dates to the Chamber, the applicants submitted requests for reinstatement into possession of their respective pre-war property to the Ministry for Refugees and Displaced Persons of the Republika Srpska-Department in Prijedor.
5. On 3 March 2003, the Chamber sent a letter to the respondent Party asking it whether the applicants had repossessed their pre-war property.
6. On 27 March 2003, the respondent Party informed the Chamber that each applicant had entered into possession of his/her pre-war property.
7. On 7 April 2003, the Chamber sent letters to each of the applicants, via registered mail, enclosing the information received from the respondent Party. The Chamber requested that they state within 15 days whether they would like to continue with the proceedings before the Chamber. These letters specifically cautioned the applicants that if no response was received, the Chamber might decide to strike out the applications. According to the signed delivery receipts, the applicants received these letters between 8 April 2003 and 11 April 2003. However, the Chamber has not received any answer from any of the applicants, and the deadline set for the answers has expired.

## **III. OPINION OF THE CHAMBER**

8. 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."
9. Considering that the Chamber has received information from the respondent Party that the applicants have entered into possession of their respective 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.

**IV. CONCLUSION**

10. 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