



DECISION TO STRIKE OUT

Case nos. CH/00/6040 and CH/03/13008

Hajrija JAKUPOVIĆ and Izet RESULOVIĆ

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 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/00/6040 Hajrija JAKUPOVIĆ

3. The application was introduced on 21 August 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 respondent Party informed the Chamber that the applicant had entered into possession of her pre-war property.
6. On 24 April 2003, the applicant informed the Chamber that she had regained possession of her pre-war property.

B. CH/03/13008 Izet RESULOVIĆ

7. The application was received on 17 February 2002 and registered on the same day.
8. The case concerns the applicant's attempt to repossess his house located at Ulica Mostaći no. 484, in Trebinje, the Republika Srpska.
9. On 24 March 2003, the applicant informed the Chamber that he had finally entered into possession of his house as of February 2003.

II. OPINION OF THE CHAMBER

10. 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."

11. The Chamber notes that the applicants lodged their applications with a view to regaining possession of their pre-war property, and while the case was 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 application to be continued. The Chamber therefore decides to strike out the applications, pursuant to Article VIII(3)(b) of the Agreement.

III. CONCLUSION

12. 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