



## **DECISION TO STRIKE OUT**

**Case nos. CH/00/6179 and CH/01/7029**

**Nermin RADASLIĆ and Asim SELMAN**

**against**

**THE REPUBLIKA SRPSKA**

**and**

**Case no. CH/02/8239**

**Milorad KERKEZ**

**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 7 May 2003, with the following members present:

Ms. Michèle PICARD, President  
Mr. Miodrag PAJIĆ, Vice-President  
Mr. Dietrich RAUSCHNING  
Mr. Hasan BALIĆ  
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. FACTS AND PROCEEDINGS**

**A. CH/00/6179 Nermin RADASLIĆ**

1. The application was introduced on 13 October 2000 and registered on the same day.
2. The applicant is the pre-war owner of property located at Žrtava fašističkog terora no. 1 in Prijedor, the Republika Srpska. The case concerns his attempts to regain possession of his pre-war property.
3. On 18 March 2003, the applicant informed the Chamber that he had regained possession of his property. He suggested that the Chamber strike out the application.

**B. CH/01/7029 Asim SELMAN**

4. The application was introduced on 11 January 2001 and registered on the same day.
5. The applicant is the pre-war owner of property located at Krajiškie brigade no. 10 in Prijedor, the Republika Srpska. The case concerns his attempts to regain possession of his pre-war property.
6. On 17 March 2003, the applicant informed the Chamber that he had regained possession of his property. He suggested that the Chamber strike out the application.

**C. CH/02/8239 Milorad KERKEZ**

7. The application was introduced on 6 February 2002 and registered on the same day.
8. The applicant is a pre-war occupancy right holder of the apartment located at Street Harmani No. H-5 in Bihać, the Federation of Bosnia and Herzegovina. The case concerns his attempts to regain possession of his pre-war apartment.
9. On 17 March 2003, the applicant informed the Chamber that he had regained possession of his pre-war apartment and stated that he no longer wished to proceed with his application before the Chamber.

**D. Joinder of applications**

10. 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. 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 applicants have repossessed their property or apartment and that they have suggested that their applications be struck out, 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.

**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)  
Michèle PICARD  
President of the First Panel