



## **DECISION TO STRIKE OUT**

**Case nos. CH/01/8459, CH/01/8460, CH/01/8497, CH/01/8588, CH/01/8589,  
CH/02/8656, CH/02/8657, CH/02/8705, CH/02/8908, CH/02/8909,  
CH/02/8911, CH/02/8913, CH/02/9320, CH/02/9321, CH/02/9322,  
CH/02/9323, CH/02/9437, CH/02/9438, CH/02/9439,  
CH/02/9440, CH/02/9442, CH/02/9443, CH/02/9444,  
CH/02/11076, CH/02/11077, CH/02/11078, CH/02/11079,  
CH/02/11081, CH/02/11082, CH/02/11083, CH/02/11085 and CH/02/11241**

**Zijad ZEČEVIĆ, Emina BIJEDIĆ, Azra BIJEDIĆ, Hanifa RAKULJIĆ, Atif ISIĆ,  
Hanija ZEČEVIĆ, Husein ČOSATOVIĆ, Sejfidin DELIĆ, Senada HALILOVIĆ, Senad DOBRIĆ,  
Husein BRAVO, Nevrija HUSKIĆ, Fikreta VEJZAGIĆ, Emira DOBRIĆ, Fatima BAČINOVIĆ,  
Hamzalija BAČINOVIĆ, Nevzeta KOVAČEVIĆ, Asima MULALIĆ, Mujo DŽANIĆ,  
Mujesira JUSIĆ, Jusuf SARAJLIĆ, Hafiza MEHMEDAGIĆ, Mehmedalija OMERČIĆ,  
Husein DEVEDŽIĆ, Mustafa HRNJADOVIĆ, Pemba ALIČIĆ, Ševala KARABEGOVIĆ,  
Nazifa TODOROVIĆ, Zekija ALDOBAŠIĆ, Himzo SUBAŠIĆ, Hana MULALIĆ and Emina JUSIĆ**

**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)(c) of the Agreement and Rules 34, 49(2) and 52 of the Chamber's Rules of Procedure:

## I. INTRODUCTION

1. The above applications were introduced between 26 February 2002 and 1 July 2002. All the applicants are represented by the same representative, Zijad Mehmedagić, a lawyer practicing in Doboj. The applicants filed their applications with a view to repossessing their pre-war property or apartments, located in the Municipalities of Doboj.
2. On 8 April 2003, the Republika Srpska informed the Chamber that the applicants had been reinstated into possession of their respective pre-war property or apartments. It further submitted the minutes taken during the reinstatement processes of the applicants, each signed by the respective applicant.
3. On 13 May 2003, 16 May 2003 and 19 May 2003, the Chamber sent letters, via registered mail, to the applicants' representative, providing him with the information submitted by the Republika Srpska and asking him to inform the Chamber whether the applicants still intended to pursue their applications and if so, on which grounds.
4. On 6 June 2003 and 9 June 2003, the Chamber received letters from the applicants' representative. He confirmed that all the applicants were reinstated into possession of their respective pre-war property or apartments, but they would like to pursue their applications before the Chamber, as they seek compensation for their inability to use their property or apartments and the costs of renting other accommodation during that time.
5. 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

6. 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 ... (c) for any other reason established by the Chamber, it is no longer justified to continue the examination of the application; provided that such a result is consistent with the objective of respect for human rights."
7. The Chamber notes that the applicants lodged their applications with a view to regaining possession of their property or apartments, and while their cases were still pending before the Chamber, they regained such possession. The Chamber further notes that although the applicants have been reinstated, they understandably ask the Chamber to find a violation of their rights protected by the Agreement due to the time that elapsed between their requests for reinstatement into possession of their pre-war property or apartments and the actual repossession.
8. The Chamber recalls that under Article VIII(2)(e) of the Agreement, "the Chamber shall endeavour to give particular priority to allegations of especially severe or systematic violations and those founded on alleged discrimination on prohibited grounds". As the Chamber has explained in the case of *Vujičić v. the Federation of Bosnia and Herzegovina* (case no. CH/99/2198, decision to strike out of 10 October 2002, Decisions July—December 2002), there are presently thousands of undecided applications pending before the Chamber, and this number is growing month by month. Moreover, significant progress in the return and property law implementation process in Bosnia and Herzegovina has occurred (*id.* at paragraphs 15-16).
9. Taking into account that the applicants have been reinstated into possession of their property or apartments, the Chamber considers that the ongoing alleged human rights violations have been brought to an end and the main issue of the applications has been resolved. In the light of the considerations discussed above, the Chamber finds that "it is no longer justified to continue the examination of the applications within the meaning of Article VIII(3)(c) of the Agreement. The Chamber moreover finds that this result is "consistent with the objective of respect for human rights", as this

“objective” must be understood to embrace not only the individual applicant’s human rights, but also the Chamber’s more general mandate to assist the Parties in securing to all persons within their jurisdiction the highest level of internationally recognised human rights (Articles I and II of the Agreement).

10. The Chamber, therefore, decides to strike out the applications, pursuant to Article VIII(3)(c) of the Agreement.

**III. CONCLUSION**

11. 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