



## **DECISION TO STRIKE OUT**

**Case no. CH/98/197, CH/98/202, CH/98/205, CH/98/211,  
CH/98/213, CH/98/218, CH/98/224, CH/98/225 and CH/98/229**

**Goran SKAKIĆ, Suada FOFONKA, Mileva BAGARIĆ, Nura IMŠIROVIĆ-DEUMIĆ,  
Fuad AJANOVIĆ, Ljubica RAVLIĆ, Petra MINIĆ, Vesna DOMOROČKI and Ana-Janja ŠUVAK**

**against**

**THE FEDERATION OF BOSNIA AND HERZEGOVINA**

The Human Rights Chamber for Bosnia and Herzegovina, sitting in plenary session on 3 April 2003 with the following members present:

Ms. Michèle PICARD, President  
Mr. Mato TADIĆ, Vice-President  
Mr. Dietrich RAUSCHNING  
Mr. Hasan BALIĆ  
Mr. Rona AYBAY  
Mr. Želimir JUŠKA  
Mr. Jakob MÖLLER  
Mr. Mehmed DEKOVIĆ  
Mr. Giovanni GRASSO  
Mr. Miodrag PAJIĆ  
Mr. Manfred NOWAK  
Mr. Vitomir POPOVIĆ  
Mr. Viktor MASENKO-MAVI  
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 Article VIII(3)(b) of the Agreement and Rules 34, 49(2) and 52 of the Chamber’s Rules of Procedure:

## **I. INTRODUCTION**

1. On 3 April 2003 the Chamber, considering the similarity between the facts of the cases and the complaints of the applicants, decided to join the present applications in accordance with Rule 34 of the Rules of Procedure. It adopted this decision on the same day.

### **A. CH/98/197 Goran SKAKIĆ**

2. The application was introduced on 11 December 1996 with the Ombudsperson for Bosnia and Herzegovina. On 17 February 1998 the Ombudsperson for Bosnia and Herzegovina referred the case to the Chamber.

3. The case concerns the applicant's attempt to regain possession of his apartment located at Džamijska No. 11/4 in Sarajevo.

4. On 1 June 1998 the Chamber transmitted application to the Federation of Bosnia and Herzegovina ("the Federation"). On 26 June 1998 the Chamber received the respondent Party's observations on admissibility and merits.

5. On 4 January 2002 the respondent Party informed the Chamber that the applicant was reinstated into possession of his apartment on 13 October 1999.

6. On 13 February 2003 the Chamber invited the applicant to inform it about the developments in his case. The applicant was notified that his application could be struck out if she did not reply in the time limit of three weeks from the date of receipt. The applicant received the letter on 17 February 2003. However the Chamber has not received any answer yet.

### **B. CH/98/202 Suada FOFONKA**

7. The application was introduced on 27 February 1997 with the Ombudsperson for Bosnia and Herzegovina. On 17 February 1998 the Ombudsperson for Bosnia and Herzegovina referred the case to the Chamber.

8. The case concerns the applicant's attempt to regain possession of her apartment located at Geteova 6/8 in Sarajevo.

9. On 1 June 1998 the Chamber transmitted application to the Federation. On 26 June 1998 the Chamber received the respondent Party's observations on admissibility and merits.

10. On 19 October 2001 the respondent Party informed the Chamber that the applicant was reinstated into possession of her apartment on 7 September 2001.

11. On 13 February 2003 the Chamber invited the applicant to inform it about the developments in her case. The applicant was notified that her application could be struck out if she did not reply in the time limit of three weeks from the date of receipt. The applicant received the letter on 17 February 2003. However the Chamber has not received any answer yet.

### **C. CH/98/205 Mileva BAGARIĆ**

12. The application was introduced on 6 March 1997 with the Ombudsperson for Bosnia and Herzegovina. On 17 February 1998 the Ombudsperson for Bosnia and Herzegovina referred the case to the Chamber.

13. The case concerns the applicant's attempt to regain possession of her apartment located at Zaima Šarca No. 6 in Sarajevo.

14. On 1 June 1998 the Chamber transmitted application to the Federation. On 26 June 1998 the Chamber received the respondent Party's observations on admissibility and merits.

15. On 6 March 2003 the respondent Party informed the Chamber that the applicant was reinstated into possession of her apartment on 22 August 2002.

16. On 13 February and 11 March 2003 the Chamber invited the applicant to inform the Chamber on further developments in her case and to confirm whether she was reinstated into her apartment. Although the three weeks deadline for the applicant's reply has expired, the Chamber has not received any reply from the applicant.

**D. CH/98/211 Nura IMŠIROVIĆ-DEUMIĆ**

17. The application was introduced on 12 September 1997 with the Ombudsperson for Bosnia and Herzegovina. On 17 February 1998 the Ombudsperson for Bosnia and Herzegovina referred the case to the Chamber.

18. The case concerns the applicant's attempt to regain possession of her apartment located at Hadžina voda No. 22/II in Visoko.

19. On 1 June 1998 the Chamber transmitted application to the Federation. On 26 June 1998 the Chamber received the respondent Party's observations on admissibility and merits.

20. On 25 February 2000 the respondent Party informed the Chamber that the applicant was reinstated into possession of her apartment on 20 October 1997.

21. On 13 February 2003 the Chamber invited the applicant to inform it about the developments in her case. The applicant was notified that her application could be struck out if she did not reply in the time limit of three weeks from the date of receipt. The applicant received the letter on 17 February 2003. However the Chamber has not received any answer yet.

**E. CH/98/213 Fuad AJANOVIĆ**

22. The application was introduced on 3 September 1996 with the Ombudsperson for Bosnia and Herzegovina. On 17 February 1998 the Ombudsperson for Bosnia and Herzegovina referred the case to the Chamber.

23. The case concerns the applicant's attempt to regain possession of his apartment located at Lugavina No. 6/1 in Sarajevo.

24. On 1 June 1998 the Chamber transmitted application to the Federation. On 26 June 1998 the Chamber received the respondent Party's observations on admissibility and merits.

25. On 16 October 2000 the respondent Party informed the Chamber that the applicant was reinstated into possession of his apartment on 6 October 2000.

26. On 13 February 2003 the Chamber invited the applicant to inform it about the developments in his case. The applicant was notified that his application could be struck out if he did not reply in the time limit of three weeks from the date of receipt. The applicant received the letter on 15 February 2003. However, the Chamber has not received any answer yet.

**F. CH/98/218 Ljubica RAVLIĆ**

27. The application was introduced on 9 August 1996 with the Ombudsperson for Bosnia and Herzegovina. On 17 February 1998 the Ombudsperson for Bosnia and Herzegovina referred the case to the Chamber.

28. The case concerns the applicant's attempt to regain possession of her apartment located at Envera Šehovića No. 16 in Sarajevo.

29. On 1 June 1998 the Chamber transmitted application to the Federation. On 26 June 1998 the Chamber received the respondent Party's observations on admissibility and merits.

30. On 11 October 2001 the respondent Party informed the Chamber that the applicant was reinstated into possession of her apartment on 28 November 2000.

31. On 13 February 2003 the Chamber invited the applicant to inform it about the developments in her case. The applicant was notified that her application could be struck out if she did not reply in the time limit of three weeks from the date of receipt. The applicant received the letter on 15 February 2003. However, the Chamber has not received any answer yet.

**G. CH/98/224 Petra MINIĆ**

32. The application was introduced on 7 June 1996 with the Ombudsperson for Bosnia and Herzegovina. On 17 February 1998 the Ombudsperson for Bosnia and Herzegovina referred the case to the Chamber.

33. The case concerns the applicant's attempt to regain possession of her apartment located at Braće Begić No. 26 in Sarajevo.

34. On 1 June 1998 the Chamber transmitted application to the Federation. On 26 June 1998 the Chamber received the respondent Party's observations on admissibility and merits.

35. On 6 March 2003 the respondent Party informed the Chamber that the applicant was reinstated into possession of her apartment on 22 August 2000.

36. On 13 February and 11 March 2003 the Chamber invited the applicant to inform the Chamber on further developments in her case and to confirm whether she was reinstated into her apartment. Notwithstanding the three weeks deadline set in the Chamber's letter, the Chamber has not received any reply from the applicant.

**H. CH/98/225 Vesna DOMOROČKI**

37. The application was introduced on 10 October 1996 with the Ombudsperson for Bosnia and Herzegovina. On 17 February 1998 the Ombudsperson for Bosnia and Herzegovina referred the case to the Chamber.

38. The case concerns the applicant's attempt to regain possession of her apartment located at Hamdije Čemerlića No. 3/1 in Sarajevo.

39. On 1 June 1998 the Chamber transmitted application to the Federation. On 26 June 1998 the Chamber received the respondent Party's observations on admissibility and merits.

40. On 6 March 2003 the respondent Party informed the Chamber that the applicant was reinstated into possession of her apartment on 4 July 2002.

41. On 13 February and 11 March 2003 the Chamber invited the applicant to inform the Chamber on further developments in her case and to confirm whether she was reinstated into her apartment. Notwithstanding the three weeks deadline set in the Chamber's letter, the Chamber has not received any reply from the applicant.

**I. CH/98/229 Ana-Janja ŠUVAK**

42. The application was introduced on 22 November 1996 with the Ombudsperson for Bosnia and Herzegovina. On 17 February 1998 the Ombudsperson for Bosnia and Herzegovina referred the case to the Chamber.

43. The case concerns the applicant's attempt to regain possession of her apartment located at Sarajevska No. 91 in Zenica.

44. On 1 June 1998 the Chamber transmitted application to the Federation. On 26 June 1998 the Chamber received the respondent Party's observations on admissibility and merits.

45. On 6 January 2000 the respondent Party informed the Chamber that the applicant was reinstated into possession of her apartment on 28 August 1998.

46. On 13 February 2003 the Chamber invited the applicant to inform it about the developments in her case. The applicant was notified that her application could be struck out if she did not reply in the time limit of three weeks from the date of receipt. The applicant received the letter on 17 February 2003. However, the Chamber has not received any answer yet.

**II. OPINION OF THE CHAMBER**

47. 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 result is consistent with objective of respect for human rights".

48. The Chamber notes that it appears that the applicants have been reinstated into possession of their respective apartments. It also considers that although the applicants received the Chamber's letters asking them to confirm their repossession, they have not responded. The Chamber therefore 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**

49. For these reasons, the Chamber, unanimously,

**STRIKES OUT THE APPLICATIONS.**

(signed)  
Ulrich GARMS  
Registrar of the Chamber

(signed)  
Michèle PICARD  
President of the Chamber