



DECISION TO STRIKE OUT

**Case nos. CH/98/275, CH/98/277, CH/98/279, CH/98/281, CH/98/295,
CH/98/312, CH/98/319, CH/98/327, CH/98/329, CH/98/345,
CH/98/353, CH/98/359, CH/98/460, CH/98/576,
CH/98/733, CH/98/1345 and CH/99/1871**

**Milivoje NIKOLIĆ, Marija ELJŠAN, Rešo BANDIĆ, Osman HALILOVIĆ, Lazar STUPAR,
Neven ANĐELIĆ, Anton SKOČIR, Salih KORAČ, Hamid ĆOSOVIĆ, Munib KURTOVIĆ,
Enes OKERIĆ, Avdo KOSO, Mila and Radomir GOJOVIĆ, Bedrudin BABIĆ,
Mario Marijan MOČIBOB, Suada ALIĆ and Svetko SRDIĆ**

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. INTRODUCTION

1. The cases concern the applicants' attempts to return into possession of their pre-war apartments and/or to register their ownership over their respective apartments, which they had purchased from the former JNA (Yugoslav National Army) Housing Fund prior to the armed conflict. The Chamber sent letters to all the applicants between 21 March and 15 April 2003, asking them to confirm whether they had succeeded in repossessing and/or being registered as the owner of their apartments. All the applicants responded positively.

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/98/275 Milivoje NIKOLIĆ

3. The application was introduced on 2 February 1998 and registered on 10 April 1998.

4. The apartment in question is located at Ulica Armije BiH 21 in Tuzla, the Federation of Bosnia and Herzegovina.

5. On 4 April 2003, the applicant's wife, as the applicant is deceased, informed the Chamber that he had repossessed the apartment in question and obtained an order to be registered as the owner of it from the Federation Ministry of Defence.

B. CH/98/277 Marija ELJŠAN

6. The application was introduced on 2 February 1998 and registered on 10 April 1998.

7. The apartment in question is located at Ulica Maršala Tita 38 in Tuzla, the Federation of Bosnia and Herzegovina.

8. On 23 April 2003, the applicant informed the Chamber that she had obtained an order to be registered as the owner of the apartment in question from the Federation Ministry of Defence.

C. CH/98/279 Rešo BANDIĆ

9. The application was introduced on 2 February 1998 and registered on 10 April 1998.

10. The apartment in question is located at Ulica Muharema Fizovića Fiska 7 in Tuzla, the Federation of Bosnia and Herzegovina.

11. On 23 April 2003, the applicant's wife, as the applicant is deceased, informed the Chamber that he had obtained an order to be registered as the owner of the apartment in question from the Federation Ministry of Defence.

D. CH/98/281 Osman HALILOVIĆ

12. The application was introduced on 2 February 1998 and registered on 10 April 1998.

13. The apartment in question is located at Ulica Vladimira Perića Valtera 12 in Tuzla, the Federation of Bosnia and Herzegovina.

14. On 27 March 2003, the applicant informed the Chamber that he had repossessed his apartment and had been registered as the owner of it.

E. CH/98/295 Lazar STUPAR

15. The application was introduced on 6 February 1998 and registered on 10 April 1998.

16. The apartment in question is located at Ulica Maršala Tita 151 in Tuzla, the Federation of Bosnia and Herzegovina.

17. On 11 April 2003, the applicant informed the Chamber that he had obtained an order to be registered as the owner of the apartment in question from the Federation Ministry of Defence.

F. CH/98/312 Neven ANDELIĆ

18. The application was introduced on 11 February 1998 and registered on 10 April 1998.

19. The apartment in question is located at Ulica Džemala Bijedića 57 in Sarajevo, the Federation of Bosnia and Herzegovina.

20. On 22 April 2003, the applicant's representative informed the Chamber that the applicant had repossessed the apartment and had succeeded in being registered as the owner of the apartment in question.

G. CH/98/319 Anton SKOČIR

21. The application was introduced on 11 February 1998 and registered on 10 April 1998.

22. The apartment in question is located at Ulica Malta 7 in Sarajevo, the Federation of Bosnia and Herzegovina.

23. On 2 April 2003, the applicant informed the Chamber that he had succeeded in being registered as the owner of the apartment in question.

H. CH/98/327 Salih KORAC

24. The application was introduced on 11 February 1998 and registered on 10 April 1998.

25. The apartment in question is located at Ulica Podgaj 13 in Sarajevo, the Federation of Bosnia and Herzegovina.

26. On 3 April 2003, the applicant informed the Chamber that he had succeeded in being registered as the owner of the apartment in question.

I. CH/98/329 Hamid ĆOSOVIĆ

27. The application was introduced on 11 February 1998 and registered on 10 April 1998.

28. The apartment in question is located at Ulica Dajanli Ibrahimbega 8 in Sarajevo, the Federation of Bosnia and Herzegovina.

29. On 14 April 2003, the applicant informed the Chamber that he had obtained an order to be registered as the owner of the apartment in question from the Federation Ministry of Defence.

J. CH/98/345 Munib KURTOVIĆ

30. The application was introduced on 13 February 1998 and registered on 10 April 1998.

31. The apartment in question is located at Ulica Gradačaćka 23 in Sarajevo, the Federation of Bosnia and Herzegovina.

32. On 3 April 2003, the applicant informed the Chamber that he had succeeded in being registered as the owner of the apartment in question on 24 September 2002.

K. CH/98/353 Enes OKERIĆ

33. The application was introduced on 13 February 1998 and registered on 10 April 1998.

34. The apartment in question is located at Ulica Nedima Filipovića 23 in Sarajevo, the Federation of Bosnia and Herzegovina.

35. On 10 April 2003, the applicant's wife and son, as the applicant is deceased, informed the Chamber that he had repossessed the apartment in question and registered his ownership over it.

L. CH/98/359 Avdo KOSO

36. The application was introduced on 16 February 1998 and registered on 10 April 1998.

37. The apartment in question is located at Ulica Maršala Tita 54 in Tuzla, the Federation of Bosnia and Herzegovina.

38. On 3 April 2003, the applicant informed the Chamber that he had succeeded in being registered as the owner of the apartment in question.

M. CH/98/460 Mila and Radomir GOJOVIĆ

39. The application was introduced on 20 March 1998 and registered on 13 April 1998.

40. The apartment in question is located at Ulica Kranjčevićeva 23 in Sarajevo, the Federation of Bosnia and Herzegovina.

41. On 15 April 2003, the applicants' representative informed the Chamber that they had obtained an order to be registered as the owner of the apartment in question from the Federation Ministry of Defence.

N. CH/98/576 Bedrudin BABIĆ

42. The application was introduced on 23 April 1998 and registered on 15 May 1998.

43. The apartment in question is located at Ulica Hakije Kulenovića 14 in Sarajevo, the Federation of Bosnia and Herzegovina.

44. On 26 March 2003, the applicant informed the Chamber that he had succeeded in being registered as the owner of the apartment in question on 12 September 2001.

O. CH/98/733 Mario Marijan MOČIBOB

45. The application was introduced on 30 June 1998 and registered on 30 August 1998.

46. The apartment in question is located at Ulica Josipa Vancaša 32 in Sarajevo, the Federation of Bosnia and Herzegovina.

47. On 15 April 2003, the applicant's wife, as the applicant is deceased, informed the Chamber that he had obtained an order to be registered as the owner of the apartment in question from the Federation Ministry of Defence.

P. CH/98/1345 Suada ALIĆ

48. The application was introduced on 10 December 1998 and registered on the same day.

49. The apartment in question is located at Ulica Zelenih Beretki 5 in Sarajevo, the Federation of Bosnia and Herzegovina.

50. On 23 April 2003, the applicant informed the Chamber that she had succeeded in being registered as the owner of the apartment in question.

R. CH/99/1871 Svetko SRDIĆ

51. The application was introduced on 16 March 1999 and registered on the same day.

52. The apartment in question is located at Malta 23 in Sarajevo, the Federation of Bosnia and Herzegovina.

53. On 15 April 2003, the applicant informed the Chamber that he had repossessed the apartment in question on 26 October 2000 and registered his ownership over it.

II. OPINION OF THE CHAMBER

54. 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."

55. Considering that the applicants have informed the Chamber that they have succeeded in repossessing and/or acquiring the right to be registered as the owner of their respective apartments, the Chamber finds that the matters raised in the applications have 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.

III. CONCLUSION

56. 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