



## **DECISION TO STRIKE OUT**

**Case nos. CH/98/283, CH/98/371, CH/98/382, CH/98/655, CH/98/682,  
CH/98/701, CH/98/755, CH/98/762, CH/98/796,  
CH/98/859, CH/98/944 and CH/98/1006**

**Miloš NEŠOVIĆ, Ibrahim PEKARIĆ, Dragan DAVIDOVIĆ, J.V., Stanislav TVORIĆ,  
Refija SRABOVIĆ, Zoran BOJIĆ, Liborius PEŠIKAN, Ljubinka IBRIŠIMOVIĆ-DABOVIĆ,  
Branislava GLIGORIĆ, L.B. and R.S.**

**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 6 June 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 14 May 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/98/283 Miloš NEŠOVIĆ**

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

4. The apartment in question is located at Ulica Muharema Fizovica 11 in Tuzla, the Federation of Bosnia and Herzegovina.

5. On 30 April 2003, the applicant informed the Chamber that he had repossessed the apartment in question and had succeeded in being registered as the owner of the apartment in question.

### **B. CH/98/371 Ibrahim PEKARIĆ**

6. The application was introduced on 23 February 1998 and registered on 10 April 1998.

7. The apartment in question is located at Ulica Kulina Bana 23 in Tuzla, the Federation of Bosnia and Herzegovina.

8. On 12 May 2003, the applicant informed the Chamber that he had succeeded in being registered as the owner of the apartment in question.

### **C. CH/98/382 Dragan DAVIDOVIĆ**

9. The application was introduced on 26 February 1998 and registered on 10 April 1998.

10. The apartment in question is located at Ulica Franca Lehara 9 in Sarajevo, the Federation of Bosnia and Herzegovina.

11. On 12 May 2003, the applicant informed the Chamber that he had succeeded in being registered as the owner of the apartment in question.

### **D. CH/98/655 J.V.**

12. The application was introduced on 21 May 1998 and registered on 9 June 1998.

13. The apartment in question is located at Ulica Pazar 10 in Tuzla, the Federation of Bosnia and Herzegovina.

14. On 9 May 2003, the applicant informed the Chamber that he repossessed his apartment in 2002 and that he had succeeded in being registered as the owner of the apartment in question.

### **E. CH/98/682 Stanislav TVORIĆ**

15. The application was introduced on 10 June 1998 and registered on the same day.

16. The apartment in question is located at Ulica Grbavička 48 in Sarajevo, the Federation of Bosnia and Herzegovina.

17. On 29 April 2003, the applicant informed the Chamber that he had succeeded in being registered as the owner of the apartment in question.

**F. CH/98/701 Refija SRABOVIĆ**

18. The application was introduced on 15 June 1998 and registered on 16 June 1998.

19. The apartment in question is located at Ulica Aleja Bosanskih Vladara 7 in Tuzla, the Federation of Bosnia and Herzegovina.

20. On 28 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.

**G. CH/98/755 Zoran BOJIĆ**

21. The application was introduced on 10 July 1998 and registered on the same day.

22. The apartment in question is located at Ulica Petra Drapšina 9 in Sarajevo, the Federation of Bosnia and Herzegovina.

23. On 29 April 2003, the applicant's representative informed the Chamber that the applicant had repossessed the apartment in question and had obtained an order to be registered as the owner of the apartment in question from the Federation Ministry of Defence.

**H. CH/98/762 Liborius PEŠIKAN**

24. The application was introduced on 13 July 1998 and registered on the same day.

25. The apartment in question is located at Ulica Hendek 3 in Sarajevo, the Federation of Bosnia and Herzegovina.

26. On 21 May 2003, the applicant informed the Chamber that he had succeeded in being registered as the owner of the apartment in question.

**I. CH/98/796 Ljubinka IBRIŠIMOVIĆ-DABOVIĆ**

27. The application was introduced on 22 July 1998 and registered on the same day.

28. The apartment in question is located at Ulica Muharema Fizovića Fiska 13 in Tuzla, the Federation of Bosnia and Herzegovina.

29. On 12 May 2003, the applicant informed the Chamber that she had succeeded in being registered as the owner of the apartment in question.

**J. CH/98/859 Branislava GLIGORIĆ**

30. The application was introduced on 10 August 1998 and registered on the same day.

31. The apartment in question is located at Ulica Topal Osman Paše 20 in Sarajevo, the Federation of Bosnia and Herzegovina.

32. On 28 April 2003, the applicant's representative informed the Chamber that the applicant had succeeded in being registered as the owner of the apartment in question on 25 March 2003.

**K. CH/98/944 L.B.**

33. The application was introduced on 11 September 1998 and registered on the same day.

34. The apartment in question is located at Ulica Petra Kočića 12 in Tuzla, the Federation of Bosnia and Herzegovina.

35. On 19 May 2003, the applicant informed the Chamber that he had succeeded in being registered as the owner of the apartment in question.

**L. CH/98/1006 R.S.**

36. The application was introduced on 6 October 1998 and registered on the same day.

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

38. On 21 May 2003, the applicant informed the Chamber by telephone that he had succeeded in being registered as the owner of the apartment in question.

**II. OPINION OF THE CHAMBER**

39. 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."

40. 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**

41. 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