



DECISION TO STRIKE OUT

Case nos. CH/ 98/291, CH/98/310, CH/98/318 and CH/98/328

Fahrudin DUBRAVČEVIĆ, Džemal VILIĆ, Vid PALALIĆ, and Mehmed GRADAŠČEVIĆ

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 November 2002 with the following members present:

Ms. Michèle PICARD, President
Mr. Rona AYBAY, Vice-President
Mr. Dietrich RAUSCHNING
Mr. Hasan BALIĆ
Mr. Želimir JUKA
Mr. Miodrag PAJIĆ
Mr. Andrew GROTRIAN

Mr. Ulrich GARMS, Registrar
Ms. Olga KAPIĆ, 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 Rule 52 of the Chamber's Rules of Procedure:

I. INTRODUCTION

1. The applications were introduced between 2 and 11 February 1998. The applicants are all owners of apartments in Sarajevo or Tuzla which they purchased from the former Yugoslav National Army (JNA) during the period from 11 February 1992 to 10 March 1992.

2. The cases concern the applicants' attempts to register themselves as the legal owner of their respective apartments. All of the applicants are living in the apartments in question, but they complain that they have not succeeded in being registered as the lawful owner of their respective apartments.

3. The cases were transmitted to the respondent Parties in 1998 for observations on admissibility and merits. The Federation of Bosnia and Herzegovina provided information in 2001 (letters dated 30 May 2001, 31 May 2001 and 26 September 2001) that the applicants have all been registered as the lawful owners with the Land Registry of the appropriate court, or, in the alternative, that the Federal Ministry of Defence had issued an order for registration of the applicants' ownership over the apartments in question with the Land Registry of the appropriate court. The Chamber forwarded this information via registered mail to the applicants, inviting the applicants to confirm this information and to indicate whether they consider the case resolved. The Chamber cautioned the applicants that if they failed to respond, the Chamber might decide to strike out their applications. The applicants, or their legal representatives, signed the registered return receipts, but failed to respond.

II. OPINION OF THE CHAMBER

4. 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."

5. Considering that the Federation of Bosnia and Herzegovina has notified the Chamber that the applicants have all been registered as owners, or received an order from the Ministry of Defence to that effect, the Chamber finds that the matter raised in the applications has been resolved. The Chamber additionally notes that although all the applicants were provided with an opportunity to respond to this information, none of the applicants have done so. 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

6. For these reasons, the Chamber, unanimously,

STRIKES OUT THE APPLICATIONS.

(signed)
Ulrich GARMS
Registrar of the Chamber

(signed)
Michèle PICARD
President of the First Panel