



## **DECISION TO STRIKE OUT**

**Case nos. CH/98/307, CH/98/308, CH/98/311, CH/98/313, CH/98/314,  
CH/98/315, CH/98/316, CH/98/317, CH/98/320,  
CH/98/321, CH/98/325, CH/98/326, CH/98/331, CH/98/332,  
CH/98/333, CH/98/335, CH/98/340, CH/98/341,  
CH/98/343, CH/98/348, CH/98/349, CH/98/350, CH/98/351,  
CH/98/356 and CH/98/357**

**Hajrudin BUNGUR, Avdo VOLODER, Sead FEJZIĆ, Ljubinka ĆIROVIĆ, Bilal ADEMOVIĆ,  
Zdravko JAZBINŠEK, Muhamed HADŽIABDIĆ, Meho MUJKIĆ, Bosiljka KAPLJUK,  
Nada MILJENOVIĆ, Jože DOBEŠ, Halid HADŽISELIMOVIĆ, Emir KASUMAGIĆ, Fetah DELIĆ,  
Osman HODŽIĆ, Ehlimana ISLAMOVIĆ, Saliha HADŽIBULIĆ, Zima ŠANDOR,  
Hamdija TOPALOVIĆ, Ismet ŠEHIĆ, Ilonka PEJKIĆ, Vlatko ĐURASEK, Fahrudin JAHIĆ,  
Semko SEMANIĆ and Zilka KARAČIĆ**

**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 and their representative between 21 March and 15 April 2003, asking them to confirm whether they had succeeded in repossessing and/or being registered as the owner over their apartments. On 24 April 2003, the applicants' representative, Mr. Ismet Mehić, responded that all the applicants had repossessed their pre-war apartments and registered their ownership over them.

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/98/307 Hajrudin BUNGUR**

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

4. The apartment in question is located at Ulica Ilije Engela 27 in Sarajevo, the Federation of Bosnia and Herzegovina.

### **B. CH/98/308 Avdo VOLODER**

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

6. The apartment in question is located at Ulica Gradačaćka 70 in Sarajevo, the Federation of Bosnia and Herzegovina.

### **C. CH/98/311 Sead FEJZIĆ**

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

8. The apartment in question is located at Ulica Grbavička 44 in Sarajevo, the Federation of Bosnia and Herzegovina.

### **D. CH/98/313 Ljubinka ĆIROVIĆ**

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

10. The apartment in question is located at Ulica Topal Osman Paše 28 in Sarajevo, the Federation of Bosnia and Herzegovina.

### **E. CH/98/314 Bilal ADEMOVIĆ**

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

12. The apartment in question is located at Ulica Envera Šehovića 10 in Sarajevo, the Federation of Bosnia and Herzegovina.

### **F. CH/98/315 Zdravko JAZBINŠEK**

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

14. The apartment in question is located at Ulica Dajanli Ibrahim-bega 16 in Sarajevo, the Federation of Bosnia and Herzegovina.

**G. CH/98/316 Muhamed HADŽIABDIĆ**

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

16. The apartment in question is located at Ulica Grbavička 83 in Sarajevo, the Federation of Bosnia and Herzegovina.

**H. CH/98/317 Meho MUJKIĆ**

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

18. The apartment in question is located at Ulica Ilije Engela 23 in Sarajevo, the Federation of Bosnia and Herzegovina.

**I. CH/98/320 Bosiljka KAPLJUK**

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

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

**J. CH/98/321 Nada MILJENVIĆ**

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

22. The apartment in question is located at Ulica Skenderija 24 in Sarajevo, the Federation of Bosnia and Herzegovina.

**K. CH/98/325 Jože DOBEŠ**

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

24. The apartment in question is located at Ulica Malta 5 in Sarajevo, the Federation of Bosnia and Herzegovina.

**L. CH/98/326 Halid HADŽISELIMVIĆ**

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

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

**M. CH/98/331 Emir KASUMAGIĆ**

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

28. The apartment in question is located at Ulica Hakije Kulenovića 20 in Sarajevo, the Federation of Bosnia and Herzegovina.

**N. CH/98/332 Fetah DELIĆ**

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

30. The apartment in question is located at Ulica Maršala Tita 1 in Sarajevo, the Federation of Bosnia and Herzegovina.

**O. CH/98/333 Osman HODŽIĆ**

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

32. The apartment in question is located at Ulica Dajanli Ibrahim-bega 12 in Sarajevo, the Federation of Bosnia and Herzegovina.

**P. CH/98/335 Ehlimana ISLAMVIĆ**

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

34. The apartment in question is located at Ulica Odobašina 45 in Sarajevo, the Federation of Bosnia and Herzegovina.

**Q. CH/98/340 Saliha HADŽIBULIĆ**

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

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

**R. CH/98/341 Zima ŠANDOR**

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

38. The apartment in question is located at Ulica Aleja Bosne Srebrene 5 in Sarajevo, the Federation of Bosnia and Herzegovina.

**S. CH/98/343 Hamdija TOPALVIĆ**

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

40. The apartment in question is located at Ulica Podgaj 11 in Sarajevo, the Federation of Bosnia and Herzegovina.

**T. CH/98/348 Ismet ŠEHIĆ**

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

42. The apartment in question is located at Ulica Partizanske Olimpijade 1 in Sarajevo, the Federation of Bosnia and Herzegovina.

**U. CH/98/349 Ilonka PEJKIĆ**

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

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

**V. CH/98/350 Vlatko ĐURASEK**

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

46. The apartment in question is located at Ulica Hasana Brkića 38 in Sarajevo, the Federation of Bosnia and Herzegovina.

**W. CH/98/351 Fahrudin JAHIĆ**

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

48. The apartment in question is located at Ulica Petra Drapšina 11 in Sarajevo, the Federation of Bosnia and Herzegovina.

**X. CH/98/356 Semko SEMANIĆ**

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

50. The apartment in question is located at Trg Heroja 41 in Sarajevo, the Federation of Bosnia and Herzegovina.

**Y. CH/98/357 Zilka KARAČIĆ**

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

52. The apartment in question is located at Ulica Nedima Filipovića 13 in Sarajevo, the Federation of Bosnia and Herzegovina.

**II. OPINION OF THE CHAMBER**

53. 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.”

54. Considering that the applicants’ representative has informed the Chamber that all the applicants have succeeded in reposessing and registering their ownership over 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