



DECISION TO STRIKE OUT

**Case nos. CH/98/322, CH/98/324, CH/98/334, CH/98/346, CH/98/352,
CH/98/354, CH/98/358 and CH/98/675**

**Risto KURILIĆ, Salko BEĆIROVIĆ, Ismet MEHIĆ, Radovan ŽIVKOVIĆ, Jela ĐOKIĆ,
Vladimir KOVAČEVIĆ, Branislav MRKAJIĆ and Nebojša RONČEVIĆ**

against

**BOSNIA AND HERZEGOVINA
and
THE FEDERATION OF BOSNIA AND HERZEGOVINA**

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 8 November 2002 with the following members present:

Mr. Giovanni GRASSO, President
Mr. Viktor MASENKO-MAVI, Vice-President
Mr. Jakob MÖLLER
Mr. Mehmed DEKOVIĆ
Mr. Manfred NOWAK
Mr. Vitomir POPOVIĆ
Mr. Mato TADIĆ

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 11 February 1998 and 4 June 1998 and registered between 10 April 1998 and 9 June 1998. The applicants are all owners of apartments in Sarajevo which they purchased from the former Yugoslav National Army (JNA) in early 1992.

2. The cases concern the applicants' attempts to register themselves as the legal owner of the 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 31 May 2001, 1 June 2001, and 10 September 2001) that the applicants have 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. The applicants, or their legal representatives, signed the registered return receipts, but they have not further communicated with the Chamber.

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 has notified the Chamber that all of the applicants have either been registered as the lawful owner or received the order from the Federation Ministry of Defence to be registered as the lawful owner of the respective apartments in question, the Chamber 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

6. For these reasons, the Chamber, unanimously,

STRIKES OUT THE APPLICATIONS.

(signed)
Ulrich GARMS
Registrar of the Chamber

(signed)
Giovanni GRASSO
President of the Second Panel