



## **DECISION TO STRIKE OUT**

**Case nos. CH/98/700, CH/98/748, CH/98/790, CH/98/920 and CH/98/950**

**C.P., Ramo ZEJNIĆ, Savo ILIĆ, Nataša LUČIĆ and Dušanka TOT**

**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 4 February 2003 with the following members present:

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

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 Rule 52 of the Chamber's Rules of Procedure:

## **I. INTRODUCTION**

1. The applications were introduced between 15 June 1998 and 15 September 1998 and registered between 16 June 1998 and 15 September 1998. The applicants are all owners of apartments in Sarajevo or Tuzla, 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 complained that they had 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 and 2002 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 has issued an order for registration of the applicants' ownership over the apartments in question with the Land Registry of the appropriate court.

4. 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, except in case no. CH/98/700 C.P., where the applicant confirmed to the Chamber that he had succeeded to be registered as the owner over the apartment in question.

## **II. OPINION OF THE CHAMBER**

5. 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."

6. Considering that the Federation of Bosnia and Herzegovina has notified the Chamber that all of the applicants have either been registered as the lawful owner or received an 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. The Chamber notes that all of the applicants have been given an opportunity to respond to this information, and none have submitted contrary information. 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**

7. For these reasons, the Chamber, unanimously,

**STRIKES OUT THE APPLICATIONS.**

(signed)  
Ulrich GARMS  
Registrar of the Chamber

(signed)  
Mato TADIĆ  
President of the Second Panel