



DECISION TO STRIKE OUT

Case nos. CH/99/2031 and CH/99/2718

Šakir MUTEVELIĆ and Koviljka KLAIĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 4 July 2003 with the following members present:

Ms. Michèle PICARD, President
Mr. Miodrag PAJIĆ, Vice-President
Mr. Hasan BALIĆ
Mr. Rona AYBAY
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 Article VIII(3)(b) of the Agreement and Rules 34, 49(2) and 52 of the Chamber's Rules of Procedure:

I. INTRODUCTION

1. In the following cases the applicants sought repossession of their pre-war apartments, and they informed the Chamber that they had been reinstated into possession of their apartments.

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/99/2031 Šakir MUTEVELIĆ

3. The application was introduced on 8 April 1999 and registered on same day.

4. The case concerns the applicant's attempts to regain possession of his apartment located at Ulica Bjelave No. 113 in Sarajevo, the Federation of Bosnia and Herzegovina.

5. On 26 December 2002, the Chamber received a letter from applicant's representative informing it that the applicant had been reinstated into possession of his pre-war apartment.

B. CH/99/2718 Koviljka KLAIĆ

6. The application was introduced on 20 July 1999 and registered 26 July 1999.

7. The case concerns the applicant's attempts to regain possession of her apartment located at Ulica Muhameda Hadžijahića No. 10, Apt. 9 in Sarajevo, the Federation of Bosnia and Herzegovina.

8. On 30 April 2003, the Chamber received a letter from applicant's representative informing it that the applicant had been reinstated into possession of her pre-war apartment.

II. OPINION OF THE CHAMBER

9. 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."

10. The Chamber notes that the applicants lodged their applications with a view to regaining possession of their pre-war apartments, and while the cases were still pending before the Chamber, they regained such possession. Therefore, 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 application to be continued. The Chamber therefore decides to strike out the applications, pursuant to Article VIII(3)(b) of the Agreement.

III. CONCLUSION

11. 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