



DECISION TO STRIKE OUT

**Case nos. CH/99/3012, CH/99/3170, CH/00/4244, CH/00/4440,
CH/00/5393, CH/00/5447, CH/00/5469, CH/00/5470,
CH/00/5483, CH/00/5862 and CH/00/6246
Miralem IMAMOVIĆ, Mirjana VEHAHOVIĆ, Šefik JAHIĆ, Edhem BEŠIĆ,
Sulajman KERANOVIĆ, Abaz DELKIĆ, Enes CRNALIĆ, Ibrahim GEČEVIĆ,
Sevleta SUŠIĆ, Muhamed OSMANČEVIĆ and Fajik PAJIĆ**

against

THE REPUBLIKA SRPSKA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 7 May 2003 with the following members present:

Mr. Mato TADIĆ, President
Mr. Jakob MÖLLER
Mr. Mehmed DEKOVIĆ
Mr. Giovanni GRASSO
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 Rules 34, 49(2) and 52 of the Chamber's Rules of Procedure:

I. INTRODUCTION

1. The applications were introduced and registered between 15 October 1999 and 21 November 2000.
2. The cases concern the applicants' attempts to regain possession of their pre-war property located within the territory of the Prijedor Municipality in the Republika Srpska. According to the respondent Party, all the applicants eventually repossessed their respective pre-war property.
3. 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.

II. FACTS AND PROCEEDINGS BEFORE THE CHAMBER

- 1. Case nos. CH/99/3012 Miralem IMAMOVIĆ
CH/00/5393 Sulajman KERANOVIĆ
CH/00/5447 Abaz DELKIĆ
CH/00/5469 Enes CRNALIĆ
CH/00/5470 Ibrahim GEČEVIĆ
CH/00/5483 Sevleta SUŠIĆ
CH/00/5862 Muhamed OSMANČEVIĆ and
CH/00/6246 Fajik PAJIĆ**

4. The applicants are each the owners of property located in Prijedor, the Republika Srpska. On dates unknown to the Chamber, the applicants submitted requests for reinstatement into possession of their respective pre-war property to the Ministry for Refugees and Displaced Persons-Department of the Republika Srpska in Prijedor.

5. On 3 March 2003, the Chamber sent a letter to the respondent Party asking it whether the applicants had repossessed their pre-war property.

6. On 27 March 2003, the respondent Party informed the Chamber that each applicant had entered into possession of his/her pre-war property.

7. On 7 April 2003, the Chamber sent letters to each of the applicants enclosing the information received from the respondent Party. The Chamber requested that they state within 15 days whether they would like to continue with the proceedings before the Chamber. These letters specifically cautioned the applicants that if no response was received, the Chamber might decide to strike out the applications. Each letter was returned to the Chamber with the notation "moved". None of the applicants provided the Chamber with any new contact address.

- 2. Case nos. CH/99/3170 Mirjana VEHAHOVIĆ
CH/00/4244 Šefik JAHIĆ and
CH/00/4440 Edhem BEŠIĆ**

8. The applicants are each the owners of the property located in Prijedor, the Republika Srpska. On 18 January 1999, 17 February 1999 and 11 February 1999, the applicants submitted a request for reinstatement into possession of their respective pre-war property to the Ministry for Refugees and Displaced Persons of the Republika Srpska, Department Prijedor.

9. On 3 March 2003, the Chamber sent a letter to the respondent Party asking it whether the applicants repossessed their pre-war property.

10. On 27 March 2003, the respondent Party informed the Chamber that each applicant had entered into possession of his/her pre-war property.

11. On 7 April 2003, the Chamber sent letters to each of the applicants enclosing the information received from the respondent Party. The Chamber requested that they state within 15 days whether they would like to continue with the proceedings before the Chamber. These letters specifically cautioned the applicants that if no response was received, the Chamber might decide to strike out the applications. Each letter was returned to the Chamber with the notation "moved". None of the applicants provided the Chamber with any new contact address.

III. OPINION OF THE CHAMBER

12. 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."

13. Considering that the Chamber has received information from the respondent Party that the applicants have entered into possession of their pre-war property, 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 pursuant to Article VIII(3)(b) of the Agreement.

IV. CONCLUSION

14. 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