



DECISION TO STRIKE OUT

Case no. CH/99/2511

Jelena and Drago TROGRANČIĆ

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 9 April 2002 with the following members present:

Ms. Michèle PICARD, President
Mr. Rona AYBAY, Vice President
Mr. Dietrich RAUSCHNING
Mr. Hasan BALIĆ
Mr. Rona AYBAY
Mr. Želimir JUKA
Mr. Miodrag PAJIĆ
Mr. Andrew GROTRIAN

Mr. Ulrich GARMS, Registrar
Ms. Olga KAPIĆ, Deputy Registrar

Having considered the aforementioned application 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)(a) of the Agreement and Rules 49(2) and 52 of the Chamber's Rules of Procedure:

I. INTRODUCTION

1. The applicants are a married couple. On 9 June 1999 they introduced to the Chamber two applications containing similar facts regarding their apartment located at ulica Hasana Sušića no.25/II in Sarajevo, the Federation of Bosnia and Herzegovina (the “apartment”). The application forms were registered on 15 June 1999 under the same number.

2. The applicants complained of not being reinstated into their apartment. Moreover, they submitted identical requests to the Chamber requesting, as a remedy, to be reinstated into the apartment immediately.

3. On 29 March 2001 the Chamber received a letter from Ms. Jelena Trogrančić informing that the Trogrančićs had repossessed their apartment on 20 November 2000. Soon after they had moved into the apartment, Mr. Trogrančić died on 22 December 2000. The applicant stated that, although there had been a clear violation of their rights, she did not intend to pursue the application.

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 (a) the applicant does not intend to pursue his application; ... provided that such a result is consistent with the objective of respect for human rights.”

5. Considering that the applicants have been reinstated into the apartment in question, the Chamber finds that the matter raised in the application 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 application.

III. CONCLUSION

6. For these reasons, the Chamber, unanimously,

STRIKES OUT THE APPLICATIONS.

(signed)
Mr. Ulrich GARMS
Registrar of the Chamber

(signed)
Michèle PICARD
President of the First Panel