



DECISION TO STRIKE OUT

Case no. CH/00/5474

Marija and Drago KUREŠ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 11 October 2002 with the following members present:

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

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 Article VIII(3)(a) of the Agreement and Rules 49(2) and 52 of the Chamber's Rules of Procedure:

I. INTRODUCTION

1. The application was introduced on 28 July 2000 and registered on the same day.
2. This case concerns the applicants' attempts to regain possession of their pre-war apartment located at Ulica Livanjska no. 53/II, Sarajevo, Federation of Bosnia and Herzegovina.
3. On 8 October 1998, the Commission for Real Property Claims of Displaced Persons and Refugees issued a decision confirming the applicant's occupancy right to the apartment in question. On 23 August 1999, the applicants received a decision on reinstatement into possession of their pre-war apartment from the Canton Sarajevo Administration for Housing Affairs (Uprava za stambena pitanja).
4. On 20 October 2000, the applicants informed the Chamber that they had been reinstated into possession of their apartment on 12 September 2000 and that they wished to terminate the proceedings before the Chamber.

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 (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."
6. The Chamber notes that the applicants have informed it that they do not intend to pursue their application. The Chamber also notes that the applicants have succeeded in being reinstated into possession of their apartment. That being so, the Chamber considers that the main issue 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 application to be continued. The Chamber therefore decides to strike out the application pursuant to Article VIII(3) of the Agreement.

III. CONCLUSION

7. For these reasons, the Chamber, unanimously,

STRIKES OUT THE APPLICATION.

(signed)
Ulrich GARMS
Registrar of the Chamber

(signed)
Viktor MASENKO-MAVI
Acting President of the Second Panel