DECISION TO STRIKE OUT

Case nos. CH/00/4868 and CH/02/12280

Jozefina MEDOVIĆ and Mile ĆUK

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

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 Article VIII(3)(a) 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 informed the Chamber that they wish to withdraw their applications.

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/00/4868 Jozefina MEDOVIĆ

3. The application was introduced on 12 May 2000 and registered on 16 May 2000.

4. The applicant complains of her inability to repossess her pre-war apartment located at Ulica Grbavička no. 24 in Sarajevo.

5. On 29 November 2000, the applicant informed the Chamber that she had entered into possession of her pre-war property but that she would like to maintain her claim for compensation.

6. On 14 October 2002, the applicant informed the Chamber that she wishes to withdraw her application entirely.

B. CH/02/12280 Mile ĆUK

7. The application was introduced and registered on 25 September 2002.

8. The applicant complains of his inability to repossess his pre-war apartment located at ulica Bosanskih gazija no. 65 in Ilidža.

9. On 16 April 2003, the Chamber received a letter from the applicant stating that he wished to withdraw his application.

II. OPINION OF THE CHAMBER

10. 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."

11. The Chamber notes that the applicants have stated in their correspondence that they wish to withdraw their applications. Considering these statements, the Chamber finds that the applicants do not intend to pursue their applications. 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)(a) of the Agreement.

III. CONCLUSION

12. For these reasons, the Chamber, unanimously,

JOINS THE APPLICATIONS and
STRIKES OUT THE APPLICATIONS.

(signed)
Ulrich GARMS
Registrar of the Chamber

(signed)
Mato TADIĆ
President of the Second Panel