



DECISION TO STRIKE OUT

Case no. CH/00/5535

Marko and Mara MACANOVIĆ

against

**THE FEDERATION OF BOSNIA AND HERZEGOVINA
AND
REPUBLIKA SRPSKA**

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 10 May 2002 with the following members present:

Ms. Michèle PICARD, President
Mr. Rona AYBAY, Vice-President
Mr. Dietrich RAUSCHNING
Mr. Hasan BALIĆ
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)(b) 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 August 2000.
2. The applicants complained of their inability to repossess their pre-war apartment, located at Ulica Orlovačka no. 59, in Novo Sarajevo.
3. On 20 July 2001, based on information transmitted by the Commission for Real Property Claims of Displaced Persons and Refugees, the Chamber requested the applicants to confirm their reinstatement into their apartment.
4. On 22 August 2001 the applicants confirmed to the Chamber that they had been reinstated into their property on 17 April 2001. However, since they alleged that the temporary users destroyed their apartment, they maintain their claims for compensation.

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 ... (b) the matter has been resolved; ... provided that such a result is consistent with the objective of respect for human rights.”
6. Considering that the applicants have been reinstated into possession of their apartment, the Chamber finds that the matter raised in the application has been resolved. The Chamber notes that the applicants have expressed their intention to pursue the application before the Chamber in regard to the compensation claim. The Chamber observes, however, that it can only award compensation if it makes a finding of a violation of the Agreement. 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.

III. CONCLUSION

7. For these reasons, the Chamber, unanimously,

STRIKES OUT THE APPLICATION.

(signed)
Ulrich GARMS
Registrar of the Chamber

(signed)
Michèle PICARD
President of the First Panel