



## **DECISION TO STRIKE OUT**

**Case nos. CH/98/1210, CH/99/2104 and CH/02/8757**

**R.K., Jozo ŠIMIĆEVIĆ and Darinka RUTEŠIĆ**

**against**

**THE FEDERATION OF BOSNIA AND HERZEGOVINA**

**Case no. CH/02/9589**

**Mihajlo BRKLJAČA**

**against**

**BOSNIA AND HERZEGOVINA**

**and**

**THE FEDERATION OF BOSNIA AND HERZEGOVINA**

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 5 June 2003 with the following members present:

Mr. Mato TADIĆ, President  
Mr. Jakob MÖLLER  
Mr. Mehmed DEKOVIĆ  
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 have been reinstated into possession of their pre-war apartments and have informed the Chamber that they therefore 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/98/1210 R.K.**

3. The application was registered on 8 October 1998.

4. The applicant complained of her inability to repossess her pre-war apartment located at Dobrinja III BX-3, in Sarajevo, the Federation of Bosnia and Herzegovina ("the Federation").

5. On 20 January 2003, the Chamber transmitted the application to the Federation for its observations on admissibility and merits under Articles 6, 8 and 13 of the European Convention on Human Rights (the "Convention") and Article 1 of Protocol No. 1 to the Convention.

6. On 20 March 2003, the respondent Party submitted its written observations and informed the Chamber that the applicant had regained possession of her apartment on 14 August 2002.

7. On 18 April 2003, the applicant confirmed that she entered into possession of her apartment and that she withdraws her application before the Chamber.

### **B. CH/99/2104 Jozo ŠIMIĆEVIĆ**

8. The application was received on 26 April 1999 and registered on the same day.

9. The case concerns the applicant's attempt to repossess his apartment located at Ulica Đure Đakovića no. 6, in Vareš, the Federation.

10. On 7 May 2003, the applicant informed the Chamber that he had returned to his apartment in Vareš and that he therefore no longer wishes to pursue his application.

### **C. CH/02/8757 Darinka RUTEŠIĆ**

11. The application was received on 30 January 2002 and registered on the same day.

12. The case concerns the applicant's attempt to regain possession of her apartment located at Omladinska no. 8 in Mostar, the Federation.

13. On 4 April 2003, the Federation informed the Chamber that the applicant had been reinstated into possession of her apartment on 28 August 2002, and it submitted the minutes of the reinstatement, signed by the applicant.

14. On 28 April 2003, the applicant informed the Chamber that she was reinstated into her apartment and that she therefore considers her case finished.

### **D. CH/02/9589 Mihajlo BRKLJAČA**

15. The application was registered on 20 March 2002.

16. The case concerns the applicant's attempt to regain possession of his apartment located at Ulica Blagoja Parovića no. 28 in Mostar, the Federation.

17. On 4 April 2003, the Federation informed the Chamber that the applicant had been reinstated into possession of his apartment on 11 September 2002, and it submitted the minutes of the reinstatement, signed by the applicant's representative.

18. On 5 May 2003, the applicant's representative informed the Chamber that the applicant wishes to withdraw his application.

## **II. OPINION OF THE CHAMBER**

19. 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."

20. The Chamber notes that the applicants lodged their applications with a view to regaining possession of their pre-war apartments, and while their cases were still pending before the Chamber, they regained such possession. The Chamber further 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**

21. 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