



## **DECISION TO STRIKE OUT**

**Case no. CH/98/381**

**Sabahija and Belinda DONLAGIĆ**

**against**

**THE FEDERATION OF BOSNIA AND HERZEGOVINA**

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 5 September 2002 with the following members present:

Ms. Michèle PICARD, President  
Mr. Rona AYBAY, Vice President  
Mr. Hasan BALIĆ  
Mr. Dietrich RAUSCHNING  
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, as well as Rules 49(2) and 52 of the Chamber’s Rules of Procedure:

## **I. INTRODUCTION**

1. This case concerns the applicants' attempts to regain possession of their pre-war property, located in Livno, Kraljice Katarine Street, 28.
2. The applicants initiated proceedings before the Municipal Court Livno in 1994 to regain possession of their property. It seems that the applicants finally regained possession of their property on 20 August 1999 in accordance with a decision of Municipal Court Livno, ordering reinstatement of the applicants into possession.

## **II. PROCEEDINGS BEFORE THE CHAMBER**

3. The application was introduced on 26 February 1998 and registered on 10 April 1998.
4. On 30 November 1998 the Chamber transmitted the application to the respondent Party for its observations on the admissibility and merits under Articles II(2)(b) of the Agreement, Article 6 of the European Convention on Human Rights (the "Convention") and Article 1 of Protocol No. 1 to the Convention.
5. On 19 November 2001 the respondent Party submitted a letter to the Chamber informing it that the applicants had been reinstated into possession of their property.
6. On 21 December 2001 the Registry sent a letter to the applicants at their pre-war address asking them whether they had resolved their case and whether they wanted to continue the proceedings before the Chamber. The applicants never replied to this letter. According to the return receipt, they received this letter on 29 December 2001.

## **III. OPINION OF THE CHAMBER**

7. 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."
8. Considering that the applicants have been reinstated into possession of their property and that they have not replied to the letter from the Chamber asking them to express their intention to continue the proceedings before the Chamber, 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 application to be continued. The Chamber therefore decides to strike out the application.

## **IV. CONCLUSION**

9. 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