



DECISION TO STRIKE OUT

Case no. CH/98/773

Milica GLUHOVIĆ and Jela RAJEVAC-GLUHOVIĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 7 October 1999 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. Anders MÅNSSON, 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) of the Agreement as well as Rule 52 of the Chamber’s Rules of Procedure:

I. FACTS

1. The applicants are co-owners of a house located on Mustafe Demišlića Street No. 20 in Sarajevo. The applicants left Sarajevo due to the hostilities during which time the applicants' home was declared permanently abandoned and allocated to temporary occupants.
2. The applicants returned to Sarajevo in 1996 and instituted proceedings in order to regain possession of their house. On 1 September 1999 the applicants returned to their home.

II. COMPLAINTS

3. The application appeared to raise issues under Articles 6 and 13 of the European Convention on Human Rights, Article 1 of Protocol No. 1 to the Convention and Article II(2)(b) of the Agreement.

III. PROCEEDINGS BEFORE THE CHAMBER

4. The application was introduced on 15 July 1998 and registered on the same day.
5. On 7 July 1999 the First Panel transmitted the application for observations by the respondent Party pursuant to Rule 49(3)(b) of the Rules of Procedure.
6. On 6 September 1999 the applicant informed the Chamber that because they had entered into possession of their house, they wished to withdraw their application before the Chamber.

IV. OPINION OF THE CHAMBER

7. According to Article VIII(3) of the Agreement, the Chamber may at any point decide to strike out an application on the ground that (a) the applicant does not intend to pursue his application; (b) the matter has been resolved; or (c) for any other reason established by the Chamber, it is no longer justified to continue the examination of the case. In all these situations, however, a decision to strike out an application must be consistent with the objective of respect for human rights.
8. In the present case, the Chamber notes that the applicants have stated that they wish to withdraw their application. Accordingly, the Chamber concludes that the applicants do not intend to pursue their case before the Chamber. In these circumstances it is no longer justified to continue the examination of the case. Moreover, such an outcome would not be inconsistent with the objective of respect for human rights.

V. CONCLUSION

9. For these reasons, the Chamber, unanimously,

STRIKES OUT THE APPLICATION.

(signed)
Anders MÅNSSON
Registrar of the Chamber

(signed)
Michèle PICARD
President of the First Panel