



DECISION TO STRIKE OUT

Cases no. CH/99/1835 and CH/99/2803

Žarko ODŽAKOVIĆ and Milan MILJANOVIĆ

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. 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 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 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 case concerns the applicants attempts to regain possession of their pre-war property, located respectively at Ulica Jove Janković no. 6, Sarajevo and at Ulica Juraja Najtharta no. 9, Sarajevo.
2. On 29 January 1998 and 8 June 1999 the Commission for Real Property Claims of Displaced Persons and Refugees ("CRPC") issued decisions confirming the applicants' occupancy rights.
3. On 13 June and 23 July 2001 The Chamber sent letters to the applicants requesting them to confirm the information transmitted by the CRPC indicating that they have been reinstated into their property. The Chamber has not received any answer from the applicants, and the deadline set for their answers expired on 6 August 2001.

II. OPINION OF THE CHAMBER

4. 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."
5. Considering that it appears that the applicants have been reinstated into possession of their property, and that they have not replied to the letters from the Chamber, the Chamber finds that the matter raised in the applications has been resolved. 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.

III. CONCLUSION

6. For these reasons, the Chamber, unanimously,

STRIKES OUT THE APPLICATIONS.

(signed)
Ulrich GARMS
Registrar of the Chamber

(signed)
Michèle PICARD
President of the First Panel