



## **DECISION TO STRIKE OUT**

**Case nos. CH/99/3040 and CH/99/3256**

**Borislav KORAĆ and Mladen BOJANIĆ**

**against**

**THE FEDERATION OF BOSNIA AND HERZEGOVINA**

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 4 February 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 49(2) and 52 of the Chamber’s Rules of Procedure:

## **I. INTRODUCTION**

### **A. CH/99/3040 Borislav KORAC**

1. The application was introduced on 22 October 1999 and registered on the same day.
2. The applicant complained of his inability to repossess his pre-war apartment, located at Ulica Grbavička 32/II, in Sarajevo.
3. On 23 October 2001, the applicant informed the Chamber that he had been reinstated into possession of his pre-war apartment and that he does not intend to pursue his application.

### **B. CH/99/3256 Mlađan BOJANIĆ**

4. The application was introduced on 31 November 1999 and registered on the same day.
5. The applicant complained of his inability to repossess his pre-war apartment, located at Ulica Ive Andrića 6/III, in Sarajevo.
6. On 1 November 2002, the applicant informed the Chamber that he had been reinstated into possession of his pre-war apartment and that he does not intend to pursue his application.

## **II. 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 (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.”

8. 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 stated in their correspondence that as a result of their repossession, they do not intend to pursue 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**

9. For these reasons, the Chamber, unanimously,

**STRIKES OUT THE APPLICATIONS.**

(signed)  
Ulrich GARMS  
Registrar of the Chamber

(signed)  
Mato TADIĆ  
President of the Second Panel