



DECISION TO STRIKE OUT

Case no. CH/99/3354

Fadil and Nadžida DŽINDŽIĆ

against

BOSNIA AND HERZEGOVINA

and

THE REPUBLIKA SRPSKA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 11 October 2002 with the following members present:

Mr. Viktor MASENKO-MAVI, Acting President

Mr. Jakob MÖLLER

Mr. Mehmed DEKOVIĆ

Mr. Vitomir POPOVIĆ

Mr. Mato TADIĆ

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 Article VIII(3)(a) of the Agreement and Rules 49(2) and 52 of the Chamber’s Rules of Procedure:

I. INTRODUCTION

1. The application was introduced on 14 December 1999.
2. The applicants complained of their inability to return to two pieces of pre-war property—one located at Fadila Jahića Španca no. 10 in Brčko and the other located in Sandići Village in Brčko.
3. The application was transmitted to Bosnia and Herzegovina and the Republika Srpska on 17 June 2002.
4. On 15 July 2002, the Chamber received observations from the Republika Srpska. On 26 July 2002, the Chamber received observations from Bosnia and Herzegovina stating that the applicants' property had been returned to them. On 23 July and 2 August 2002, the Chamber transmitted these observations to the applicants.
5. On 3 August 2002, the applicants informed the Chamber that they had repossessed their two pieces of property on 25 April and 29 September 2000, respectively, and that therefore they did not wish to pursue their proceedings before the Chamber.

II. OPINION OF THE CHAMBER

6. 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 result is consistent with the objective of respect for human rights."
7. The Chamber notes that the applicants have informed it that they do not intend to pursue their application. 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.

III. CONCLUSION

8. For these reasons, the Chamber, unanimously,

STRIKES OUT THE APPLICATION.

(signed)
Ulrich GARMS
Registrar of the Chamber

(signed)
Viktor MASENKO-MAVI
Acting President of the Second Panel