



DECISION TO STRIKE OUT

Case no. CH/98/1351

Goran LESKO

against

**BOSNIA AND HERZEGOVINA
and
THE FEDERATION OF BOSNIA AND HERZEGOVINA**

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

Ms. Michèle PICARD, 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 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 and Rules 49(2) and 52 of the Chamber's Rules of Procedure:

I. FACTS

1. The application was introduced on 14 October 1998.
2. The applicant complained of his inability to repair and repossess his pre-war house, located at Capanamur no. 11, Ilidža.
3. The Registry of the Chamber placed a telephone call to the applicant's pre-war house, and the applicant's mother responded that the applicant had been reinstated into the house in question.
4. On 27 June 2002 and 31 July 2002, the Chamber sent letters by registered mail to the applicant's pre-war house, asking him to confirm his reinstatement. These letters specifically warned the applicant that if he did not respond to them, the Chamber might decide to strike out his application. The Chamber received the delivery receipts, which were signed by a person named Eva Lesko. However, the applicant never responded to the Chamber's letters.

II. OPINION OF THE CHAMBER

5. 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 result is consistent with objective of respect for human rights".
6. The Chamber notes that it appears that the applicant has been reinstated into possession of his pre-war house. It also considers that although the applicant received the Chamber's letters asking him to confirm his repossession, he has not responded. The Chamber therefore 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.

III. CONCLUSION

7. 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