



DECISION TO STRIKE OUT

Case no. CH/98/929

Milorad KOSTIĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 10 January 2003 with the following members present:

Ms. Michèle PICARD, President
Mr. Miodrag PAJIĆ, Vice-President
Mr. Dietrich RAUSCHNING
Mr. Hasan BALIĆ
Mr. Želimir JUKA
Mr. Andrew GROTRIAN

Mr. Ulrich GARMS, Registrar
Ms. Olga KAPIĆ, Deputy Registrar
Ms. Antonia DE MEO, 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 7 September 1998. The applicant is represented by Mr. Ratko Vulešić.
2. The applicant complained of his inability to repossess his pre-war apartment, located at Grbavička Street no. 2, in Sarajevo.
3. On 10 November 1999, the application was transmitted to the respondent Party for its observations on the admissibility and merits. On 4 January 2000, the respondent Party submitted its written observations. On 29 September 2000, the respondent Party informed the Chamber that the applicant had entered into possession of his pre-war apartment.
4. On 18 July 2002, the Chamber sent a letter by registered mail to the applicant's representative, asking him to confirm the applicant's reinstatement into possession of his pre-war apartment. This letter specifically warned the applicant that if he did not respond, the Chamber might decide to strike out his application. According to the delivery receipt, the applicant's representative received this letter on 20 July 2002. However, the Chamber has not received any answer from the applicant or his representative, and the deadline set for his answer has expired.

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 apartment. It also considers that although the applicant's representative received the Chamber's letter asking him to confirm the applicant's 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