



DECISION TO STRIKE OUT

Case no. CH/00/3654

Nedo LATINVIĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 6 December 2002 with the following members present:

Mr. Viktor MASENKO-MAVI, Acting President
Mr. Jakob MÖLLER
Mr. Mehmed DEKOVIĆ
Mr. Manfred NOWAK
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 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 17 February 2000.
2. The applicant complained of his inability to repossess his pre-war apartment, located at Jovana Bijelića no. 1/II, in Sarajevo.
3. The Chamber was informed by the Commission for Real Property Claims of Displaced Persons and Refugees ("CRPC") that the applicant had been reinstated into possession of his apartment.
4. On 23 July 2001 the Chamber sent letters by registered mail to the applicant's contact address and pre-war address, 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 receipt, which was signed by the applicant. However, the applicant never responded to the Chamber's letter.

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 a result is consistent with the 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 received the Chamber's letter 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)
Viktor MASENKO-MAVI,
Acting President of the Second Panel