



DECISION TO STRIKE OUT

Case no. CH/00/6578

Boris TEPŠIĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 8 November 2002 with the following members present:

Mr. Giovanni GRASSO, President
Mr. Viktor MASENKO-MAVI, Vice-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. INTRODUCTION

1. The application was introduced on 11 December 2000.
2. The applicant complained of his inability to repossess his pre-war apartment located at Olovska no. 32 in Sarajevo.
3. On 7 May 2001, the Chamber transmitted the application to the respondent Party for its observations on the admissibility and merits under Article 8 of the European Convention on Human Rights (the "Convention") and Article 1 of Protocol No. 1 to the Convention.
4. On 21 June 2001, the respondent Party submitted its observations stating that the applicant had been reinstated into possession of his apartment on 20 March 2001.
5. On 18 July 2001 the Chamber sent a letter to two different addresses of the applicant by registered mail asking him to confirm that he had been reinstated into possession of his apartment, but the applicant did not respond to this letter. This letter specifically warned the applicant that if he did not respond to it, the Chamber might decide to strike out his application. According to the delivery receipt, the applicant received this letter on 20 July 2001. However, the Chamber has not received any answer from the applicant, and the deadline set for his answer has expired.

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 ... (b) the matter has been resolved; ... provided that such a result is consistent with the objective of respect for human rights."
7. Considering that it appears that the applicant has been reinstated into possession of his apartment, and that he has not replied to the letters from the Chamber, the Chamber 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

8. For these reasons, the Chamber unanimously,

STRIKES OUT THE APPLICATION.

(signed)
Ulrich GARMS
Registrar of the Chamber

(signed)
Giovanni GRASSO
President of the Second Panel