



DECISION TO STRIKE OUT

Case no. CH/98/1005

Adolf KAPIN

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 4 July 2003 with the following members present:

Ms. Michèle PICARD, President
Mr. Miodrag PAJIĆ, Vice-President
Mr. Hasan BALIĆ
Mr. Rona AYBAY
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. INTRODUCTION

1. The application was introduced on 5 October 1998 and registered on the same day.
2. The applicant complained of his inability to repossess his pre-war apartment, located at Josipa Slavenskog No. 8, in Ilidža.
3. The Commission for Real Property Claims of Displaced Persons and Refugees ("CRPC") informed the Chamber that the applicant had been reinstated into his pre-war apartment.
4. On 15 May 2002, the Chamber sent a letter by registered mail to the address of the applicant's pre-war apartment asking him to confirm his reinstatement. The letter specifically warned the applicant that if he did not respond to it, the Chamber might decide to strike out his application. The Chamber received the delivery receipt 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 objective of respect for human rights".
6. Considering that the Chamber has received information from CRPC that the applicant has entered into possession of his pre-war apartment, 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, pursuant to Article VIII(3)(b) of the Agreement.

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