



DECISION TO STRIKE OUT

Case no. CH/99/2888

M. S.

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 6 September 1999.
2. The applicant complained of his inability to repossess his pre-war property, located at Tuzlanska Str. no. 17, in Sarajevo.
3. On 7 May 2001 the application was transmitted to the Federation of Bosnia and Herzegovina ("the Federation") for its observations on the admissibility and merits. The Federation submitted its written observations on 21 June 2001, informing the Chamber that the applicant's daughter had been reinstated into the property in question on 9 April 2001.
4. On 18 July 2001 the Chamber sent a letter by registered mail to the applicant's contact address and his pre-war address, asking him to confirm his reinstatement. The letters were returned. The applicant never informed the Chamber about his new address.

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 he has not informed the Chamber about his most recent contact address, making it impossible for the Chamber to reach him. The Chamber therefore finds that the matter raised in the application has been solved. 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)
Mr. Viktor MASENKO-MAVI
Acting President of the Second Panel