



## **DECISION TO STRIKE OUT**

**Case no. CH/00/5456**

**Hasan DŽAFIĆ**

**against**

**THE REPUBLIKA SRPSKA**

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 3 July 2003 with the following members present:

Mr. Mato TADIĆ, President  
Mr. Jakob MÖLLER, Vice-President  
Mr. Mehmed DEKOVIĆ  
Mr. Giovanni GRASSO  
Mr. Manfred NOWAK  
Mr. Vitomir POPOVIĆ  
Mr. Viktor MASENKO-MAVI

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 26 July 2000 and registered on the same day.
2. The case concerns the applicant's attempts to regain possession of his pre-war property located in Prijedor, the Republika Srpska.
3. On 27 March 2003, the Republika Srpska informed the Chamber that the applicant had entered into possession of his pre-war property.
4. On 7 April 2003, the Chamber sent a letter to the applicant enclosing the information received from the respondent Party. The Chamber requested that he should state within 15 days whether he would like to continue with the proceedings before the Chamber. This letter specifically cautioned the applicant that if no response was received, the Chamber might decide to strike out the application.
5. This letter was returned to the Chamber with the notation "moved". The applicant did not provide the Chamber with any new contact address.

## **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 the Chamber has received information that the applicant has entered into possession of his pre-war property, 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**

8. For these reasons, the Chamber, unanimously,

**STRIKES OUT THE APPLICATION.**

(signed)  
Ulrich GARMS  
Registrar of the Chamber

(signed)  
Mato TADIĆ  
President of the Second Panel