



## **DECISION TO STRIKE OUT**

**Case no. CH/99/2422**

**Mustafa BEŠLAGIĆ**

**against**

**BOSNIA AND HERZEGOVINA  
and  
THE REPUBLIKA SRPSKA**

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, 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. FACTS**

1. The application was introduced on 16 November 1999.
2. The applicant complained of his inability to repossess part of his pre-war house, located at Dobre Jovanovića no. 8, Brčko.
3. On 17 June 2002 the application was transmitted to Bosnia and Herzegovina and to the Republika Srpska for their observations on the admissibility and merits. On 11 July 2002 the Republika Srpska submitted its written observations. Bosnia and Herzegovina submitted written observation on 26 June 2002 informing the Chamber that the applicant had been reinstated into possession of his property in its entirety.
4. On 2 August 2002 the Chamber sent a letter by registered mail to the applicant asking him to confirm his reinstatement. This 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, 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 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 property. 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)  
Mr. Viktor Masenko-Mavi  
Vice President of the Second Panel