



DECISION TO STRIKE OUT

CASE No. CH/98/797

“G.B.”

against

THE REPUBLIKA SRPSKA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 7 June 1999 with the following members present:

Ms. Michèle PICARD, President
Mr. Dietrich RAUSCHNING
Mr. Hasan BALIĆ
Mr. Želimir JUKA
Mr. Miodrag PAJIĆ
Mr. Andrew GROTRIAN

Mr. Leif BERG, 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) of the Agreement as well as Rule 52 of the Chamber’s Rules of Procedure:

I. FACTS

1. The applicant is a citizen of Bosnia and Herzegovina of Serb descent. On 27 March 1995 she was allocated an apartment in Prijedor by a decision of "Prijedorska banka AD" ("the bank"). Upon the decision the applicant entered into a contract on the use of the apartment.
2. On 29 March 1998 the Ministry for Refugees and Displaced Persons ("the Ministry") tried to deliver the applicant a decision ordering her eviction from the apartment. The applicant refused to receive it.
3. There have been two attempts to evict the applicant from the apartment. On 5 May 1998 the applicant received a summon for questioning in the Public Security Center in Prijedor. The subject of the questioning was not specified.

II. COMPLAINTS

4. The applicant complained that her rights to respect for her home and private life, peaceful enjoyment of possessions and to a fair hearing and effective legal protection were violated.

III. PROCEEDINGS BEFORE THE CHAMBER

5. The application was introduced on 23 July 1998 and registered on the same day. The applicant requested that the Chamber order a provisional measure to take all necessary action to prevent her eviction.
6. On 24 July 1998 the President of the Chamber ordered, pursuant to Rule 36(2), the respondent Party to take all necessary action to prevent the applicant's eviction.
7. On 10 September 1998 the First Panel decided pursuant to Rule 49(3)(a) of the Rules of Procedure to request the applicant to provide certain information. On 19 October 1998 the applicant provided the requested information.
8. On 18 January 1999 pursuant to Rule 49(3)(b) of the Rules of Procedure the Chamber transmitted the application to the respondent Party for observations on its admissibility and merits of the complaint relating to the alleged violation of the applicant's rights provided for in Article 8 of the European Convention on Human Rights ("the Convention") and Article 1 of Protocol No. 1 to the Convention. No observations have been received within the time limit set out in the Order concerning the organisation of proceedings.
9. On 22 April 1999 the applicant was invited to submit any claim for compensation she wished to make.
10. On 17 May 1999 the Registry received a letter from the applicant in which she informed the Chamber that she did not want to pursue her application before the Chamber.

IV. OPINION OF THE CHAMBER

11. According to Article VIII(3) of the Agreement, the Chamber may at any point decide to strike out an application on the ground that (a) the applicant does not intend to pursue his application; (b) the matter has been resolved; or (c) for any other reason established by the Chamber, it is no longer justified to continue the examination of the case. In all these situations, however, a decision to strike out an application must be consistent with the objective of respect for human rights.
12. In the present case the Chamber notes that the applicant in her letter of 17 May 1999 demonstrated that she had no intention to pursue her application.
13. Accordingly, the Chamber concludes that the applicant does not intend to pursue her application. In these circumstances it is no longer justified to continue the examination of the case and such an outcome would not be inconsistent with the objective of respect for human rights.

V. CONCLUSION

14. For these reasons, the Chamber unanimously,

STRIKES OUT THE APPLICATION.

(signed)
Leif BERG
Registrar of the Chamber

(signed)
Michèle PICARD
President of the First Panel