



DECISION TO STRIKE OUT

CASE No. CH/98/1399

B.B.

against

THE REPUBLIKA SRPSKA

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

Ms. Michèle PICARD, President
Mr. Rona AYBAY, Vice-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 Rules 49(2) and 52 of the Chamber’s Rules of Procedure:

I. FACTS

1. The applicant is a citizen of Bosnia and Herzegovina. On 20 September 1993 she illegally entered into possession of an apartment located at Vidovdanska Street No. 5F, Gradiška, Republika Srpska. She has been occupying the apartment without disturbances until November 1998, when she was unofficially informed that she was to be evicted in accordance with an order of the Commission for Resettlement of Refugees and Administration with Abandoned Property ("the Commission").

2. The applicant has never been delivered any decision or any other official document concerning her eviction. She was only orally informed about the forthcoming eviction.

II. COMPLAINTS

3. The applicant did not allege any violations of her human rights provided for in the Agreement. She wanted to be left a certain period of time to find another accommodation.

III. PROCEEDINGS BEFORE THE CHAMBER

4. The application was introduced to the Chamber on 11 November 1999 and registered on the same day. The applicant is represented by Ms. Draginja Selak, a lawyer practising in Gradiška. The applicant requested the Chamber to issue a provisional measure ordering the respondent Party to take all necessary action to prevent her eviction.

5. On 12 November 1998 the First Panel refused the applicant's request for provisional measure. The Panel decided, pursuant to Rule 49(3)(a) of the Rules of Procedure to request the applicant to provide certain information regarding the facts set out in paragraph 2 above. The reply was due by 20 February 1999. There was no reply within the time limit.

6. On 27 May 1999 the applicant's representative was sent a registered letter reminding her of the letter mentioned in paragraph 5 above, and warning her that if she did not reply to this letter within two weeks the case would be struck out. The letter was delivered on 1 June 1999. There has been no reply to date.

IV. OPINION OF THE CHAMBER

7. 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.

8. In the present case the Chamber notes that the applicant was invited to submit further information the Chamber found necessary for further proceedings in the case. After a standard letter had been ignored, the Chamber warned the applicant that the case would be struck out if there was no reply. Since the applicant is represented by a trained lawyer, and since the Chamber is sure that she received the letter warning her of the possible consequence of a failure to reply, it is obvious that the applicant does not want to pursue her application before the Chamber.

9. 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

10. 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