



DECISION TO STRIKE OUT

Case no. CH/99/1952

Zdravka RALJIĆ

against

THE REPUBLIKA SRPSKA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 8 March 2000 with the following members present:

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

Mr. Anders MÅNSSON, 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, a citizen of Bosnia and Herzegovina, occupied an apartment located at Sime Šolaje 13 in Banja Luka. She occupied it with the agreement of the holder of the occupancy right over it, who left Banja Luka during the war. The holder of the allocation right initiated administrative proceedings for the applicant's eviction from the apartment. On 19 July 1998 the Department for Housing Affairs of the Municipality of Banja Luka issued a decision allowing the holder of the allocation right to gain possession of the apartment. The applicant's eviction was scheduled for 22 June 1999.
2. The applicant has not informed the Chamber of whether this eviction was carried out nor of whether there have been any other developments in the case. She has not contacted the Chamber since lodging her application.

II. COMPLAINTS

3. The applicant complains of violations of her rights as protected by Articles 6, 8, 13 and 14 of the European Convention on Human Rights.

III. PROCEEDINGS BEFORE THE CHAMBER

4. The application was introduced on 14 June 1999 and registered on the same day. The applicant requested the Chamber to order the respondent Party as a provisional measure to take all necessary action to prevent her eviction. On 21 June 1999 the Vice-President of the Chamber refused this request. The applicant was orally informed of this decision. On 3 August 1999 the Chamber wrote to the applicant (at the address indicated in her application) asking her to inform it of whether she wished to proceed with her application. No reply was received to this letter.
5. On 7 October 1999 the Chamber wrote to the applicant by registered post (at the address indicated in her application), asking her to reply to its letter of 3 August 1999 and enclosing a copy of that letter. She was informed that if she did not reply within three weeks, the Chamber might conclude that she no longer wished to proceed with her application and decide to strike it out of its list. On 12 October 1999 the Chamber received a certificate of delivery of the letter of 7 October 1999, signed by the applicant.

IV. OPINION OF THE CHAMBER

6. 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.
7. The Chamber notes that the applicant has not replied to any of the letters it sent to her. It has received confirmation that she received its letter of 7 October 1999. This letter specifically informed her that if she did not reply to it the Chamber might decide that she no longer wished to proceed with her application. The applicant has not been in contact with the Chamber since she lodged her application in June 1999, nine months ago.
8. 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. Moreover, such an outcome would not seem to be inconsistent with the objective of respect for human rights.

V. CONCLUSION

9. For these reasons, the Chamber, unanimously,

STRIKES OUT THE APPLICATION.

(signed)
Anders MÅNSSON
Registrar of the Chamber

(signed)
Giovanni GRASSO
President of the Second Panel