



DECISION TO STRIKE OUT

Case no. CH/98/1385

Fatima MEŠIĆ-MUSIĆ

against

THE REPUBLIKA SRPSKA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 7 June 2000 with the following members present:

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

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 Rule 52 of the Chamber's Rules of Procedure:

I. FACTS

1. The applicant, a citizen of Bosnia and Herzegovina, is the owner of an apartment at Avde Hercegovca Street in Banja Luka. In 1991 she left Bosnia and Herzegovina and went to work in Germany. A person moved into the apartment soon afterward, without her consent. According to the information available to the Chamber, this person still occupies the apartment. The applicant has not taken any steps in the legal system of the Republika Srpska to regain possession of the apartment.

II. COMPLAINTS

2. The applicant complains in general of a violation of her human rights due to her inability to regain possession of her apartment.

III. PROCEEDINGS BEFORE THE CHAMBER

3. The application was introduced on 6 November 1998 and registered on the same day.

4. On 10 November 1998 the Chamber wrote to the applicant at the address given by her in her application for correspondence, which is in Zenica in the Federation of Bosnia and Herzegovina, confirming receipt of her application. This letter was returned undelivered, with an explanation from the Post Office that the applicant was unknown at that address.

5. On 8 November 1999 the Chamber wrote to the applicant again at the same address, requesting her to provide certain information. This letter was again returned to the Chamber undelivered.

6. On 26 April 2000, the Registry wrote to the applicant by registered post. This letter reminded the applicant of its letter of 8 November 1999 and of the fact that no reply had been received to that letter. It also stated that if no reply was received to this second letter within three weeks, the Chamber might conclude that she no longer wishes to proceed with his application and decide to strike it out from its list in accordance with Article VIII(3)(a) or (c) of the Agreement. This letter was again returned to the Chamber undelivered.

7. The applicant has not contacted the Chamber since lodging her application in November 1998.

IV. OPINION OF THE CHAMBER

8. 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.

9. In the present case the Chamber notes that the applicant has not been in contact with the Chamber since lodging her application in November 1998. Even though the Chamber is aware that she has not received any of the letters it sent to her, in any event it has been incumbent on her to keep the Chamber informed of any developments in her case as well as of any changes of address.

10. 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 be inconsistent with the objective of respect for human rights.

V. CONCLUSION

11. For these reasons, the Chamber, unanimously,
STRIKES OUT THE APPLICATION.

(signed)
Anders MÅNSSON
Registrar of the Chamber

(signed)
Michèle PICARD
President of the First Panel