



DECISION TO STRIKE OUT

Case no. CH/98/1191

Dubravka ŠOBOT

against

THE REPUBLIKA SRPSKA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 13 October 2000 with the following members present:

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

Mr. Peter KEMPEES, 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, occupies a house located at Ulica Miloša Obilića (formerly Muharema Suljanovića) in Prijedor, Republika Srpska, on the basis of an agreement with the owner of the house dated 30 July 1992. The owner of the house lives in Sanski Most in the Federation of Bosnia and Herzegovina.

2. In August 1998 the Commission for the Accommodation of Refugees and Administration of Abandoned Property in Prijedor, a department of the Ministry for Refugees and Displaced Persons, ordered the applicant to vacate the house, under threat of forcible eviction. On 23 September 1998, the Commission informed the applicant in writing that her eviction had been scheduled for 28 September 1998. The applicant has not informed the Chamber of whether the eviction was carried out on that date nor of whether she still occupies the house.

II. COMPLAINTS

3. The applicant complains in general of the attempts to evict her from the house concerned in the application.

III. PROCEEDINGS BEFORE THE CHAMBER

4. The application was introduced on 25 September 1998 and registered on the same day. The applicant requested that the Chamber order the respondent Party as a provisional measure to take all necessary steps to prevent his eviction from the apartment. On 28 September 1998 the Vice-President of the Chamber issued an order in these terms.

5. On 28 October 1998 the Chamber transmitted the application to the Republika Srpska for its observations on its admissibility and merits. No such observations were received within the time-limit set. On 19 March 1999 the Chamber wrote to the applicant, informing her of this fact and requesting her to submit any further observations she wished to make. No reply was received to this letter.

6. On 6 October 1999 the Chamber wrote to the applicant again, by registered post, asking her to reply to its letter of 19 March 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 13 October 1999 this letter was returned to the Chamber by the post office with an explanation that the applicant was not known at the address.

7. On 26 January 2000 the Agent of the Republika Srpska submitted observations on the admissibility of the case. It stated that, due to recent legislative changes in the Republika Srpska, it considered that the matter was now solved, as the legal provisions under which the attempts to evict the applicant had been made had now been abrogated. On 22 March 2000 the Chamber sent these observations to the applicant, requesting her observations in reply. No such observations were received. On 7 June 2000 the Chamber wrote to the applicant again, by registered post, asking her to reply to its letter of 22 March 2000 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 9 June 2000 the Chamber received a certificate of receipt of its letter of 7 June 2000, signed by the applicant. No reply has been received to this letter.

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. The Chamber notes that the applicant has not been in contact with the Chamber since 25 September 1998, the date of lodging her application. Although she may not have received all of the letters sent to her, the Chamber has received confirmation that she received its letter of 7 June 2000, which specifically informed her that if he did not reply to it, the Chamber might decide that she no longer wished to pursue her application before it, and strike the case from its list.

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 seem to be inconsistent with the objective of respect for human rights.

V. CONCLUSION

11. For these reasons, the Chamber, unanimously

STRIKES OUT THE APPLICATION.

(signed)
Peter KEMPEES
Registrar of the Chamber

(signed)
Giovanni GRASSO
President of the Second Panel