



DECISION TO STRIKE OUT

Case no. CH/98/582

Jovanka KUKURIKA

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 12 October 2001 with the following members present:

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

Mr. Ulrich GARMS, 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)(a) and XI of the Agreement and Rules 49(2) and 52 of the Chamber's Rules of Procedure:

I. INTRODUCTION

1. The case concerns the applicant's attempts to regain possession of an apartment in Sarajevo over which she held the occupancy right. In July 1992 the applicant and her daughters left Sarajevo to join the applicant's husband who had been sent to the Russian Federation by his employer, the Chamber of Commerce of Bosnia and Herzegovina. According to the applicant, she agreed with the President of the Chamber of Commerce that he would occupy the apartment temporarily until the family returned.

2. In January 1996, the applicant asked to be reinstated into possession of her apartment. She filed requests with the Commission for Housing Affairs of the Chamber of Commerce and the City Secretariat for Housing and Utility Affairs. Both agencies rejected her requests. On 2 December 1996 the apartment was allocated to an employee of Unionvest, Č.Z.

3. On 23 April 1998 the applicant submitted an application to the Chamber. The Chamber wrote to the applicant on three occasions, requesting updated information on the matter. The applicant did not reply to any of the letters.

II. OPINION OF THE CHAMBER

4. In accordance with Article VIII (3) of the Agreement, "the Chamber may decide at any point in its proceedings to suspend consideration of, reject or strike out an application on the ground that ... (a) the applicant does not intend to pursue his application; ... provided that such result is consistent with the objective of respect for human rights".

5. The Chamber notes that it has written to the applicant three times, each time requesting a response within a certain time-limit. Steps were also taken to ensure that the letters were actually received by the applicant. However, the Chamber did not receive a reply to any of its letters.

6. Accordingly, it appears that the applicant no longer wishes to pursue her application. In the circumstances, the Chamber finds no reasons regarding respect for human rights which require the examination of the application to be continued. The Chamber therefore finds it appropriate to strike the application out.

III. CONCLUSION

7. For these reasons, the Chamber, unanimously,

STRIKES OUT THE APPLICATION.

(signed)
Ulrich GARMS
Registrar of the Chamber

(signed)
Viktor MASENKO-MAVI
Acting President of the Second Panel