



DECISION TO STRIKE OUT

Case no. CH/98/902

Branka DOŠEN

against

THE REPUBLIKA SRPSKA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 12 January 2002 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. 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) and Rule 52 of the Chamber's Rules of Procedure:

I. INTRODUCTION

1. The application was introduced on 28 August 1998. The applicant requested that the Chamber order the respondent Party, as a provisional measure, to take all necessary action to prevent her eviction from an apartment which she occupied. On 31 August 1998 the President of the Second Panel ordered the provisional measure requested.

2. The applicant complains of a decision of the Ministry for Refugees and Displaced Persons in Prijedor ordering her eviction. The last correspondence from the applicant was received by the Chamber on 14 September 1999. On 19 September 2001 the Chamber sent a letter to the applicant requesting further information regarding the application. That letter requested a response within one month, and has not been responded to. On 7 November 2001 another letter was sent via registered mail to the applicant, and again requested a response within one month. The letter also specified that if no response was provided, the Chamber may assume that the applicant did not wish to pursue her application. On 13 November 2001 the Chamber received acknowledgement of receipt of the letter indicating that it was received by the applicant on 10 November 2001. No response has been received.

II. OPINION OF THE CHAMBER

3. 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 a result is consistent with the objective of respect for human rights.”

4. Considering that the applicant has not responded to the letters sent to, and received by her, the Chamber finds that the applicant does not intend to pursue the application, and that it cannot further consider the application without the applicant’s cooperation. Furthermore, the Chamber finds no special circumstances regarding respect for human rights which require the examination of the application to be continued. The Chamber therefore finds it appropriate to strike out the application.

5. The Chamber will withdraw its order for a provisional measure with immediate effect.

III. CONCLUSION

6. For these reasons, the Chamber, unanimously,

**STRIKES OUT THE APPLICATION and
WITHDRAWS ITS ORDER FOR A PROVISIONAL MEASURE WITH IMMEDIATE EFFECT**

(signed)
Ulrich GARMS
Registrar of the Chamber

(signed)
Giovanni GRASSO
President of the Second Panel