



DECISION TO STRIKE OUT

Case no. CH/98/886

Manda ŠUKURMA

against

THE REPUBLIKA SRPSKA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 6 December 2002 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) of the Agreement and Rules 49(2) and 52 of the Chamber’s Rules of Procedure:

I. INTRODUCTION

1. The application was introduced on 13 August 1998 and registered on 20 August 1998.
2. The applicant complains of the loss of her property during the armed conflict, as well as the loss of property of her relatives, who were killed in 1992. She requests the Chamber's assistance in returning to her pre-war home in Derventa, the Republika Srpska. The applicant noted in her application that she had used no domestic remedies, nor was any documentation attached related to her pre-war home or other alleged violations.
3. On 7 October 2002, the Chamber sent letters by registered mail to the applicant at the address noted on her application in Germany, as well as to her pre-war home in Derventa, asking the applicant to update the Chamber as to the status of her case. The letter warned the applicant that if she did not respond, the Chamber might decide to strike out her application. The Chamber received the signed registered return receipt from Derventa, which was signed by the applicant, but the applicant failed to respond to the letter.

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 a result is consistent with the objective of respect for human rights."
5. Considering that the applicant was invited to inform the Chamber as to the status of her case, and that the applicant failed to respond, the Chamber can only conclude that the applicant does not intend to pursue the application. It also appears that the applicant has returned to her pre-war home, as the registered return receipt sent to Derventa was returned to the Chamber signed by the applicant. Furthermore, the Chamber finds no special circumstances regarding respect for human rights which requires the examination of the application to be continued. The Chamber, therefore, decides to strike out the application, in accordance with Article VII(3)(a) of the Agreement.

III. CONCLUSION

6. 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