



DECISION TO STRIKE OUT

Case no. CH/98/1281

Dragica POPOVIĆ

against

THE REPUBLIKA SRPSKA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel, on 7 February 2003 with the following members present:

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

Mr. Ulrich GARMS, Registrar
Ms. Olga KAPIĆ, Deputy Registrar
Ms. Antonia DE MEO, 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 applicant occupied an apartment in Kralja Petra I Oslobodioca 10, Prijedor on the basis of a procedural decision of 14 October 1997 issued by the allocation right holder. However, the applicant did not conclude a contract on use of the apartment, as required in order for her to achieve the occupancy right to it.

2. On the basis of the Law on Use of Abandoned Property, the Ministry for Refugees and Displaced Persons ("the Ministry") issued a procedural decision on 9 April 1998 ordering the applicant to vacate the apartment in question.

II. PROCEEDINGS BEFORE THE CHAMBER

3. The application was received on 2 November 1998 and registered on the same day. The applicant requested the Chamber to order the respondent Party, as a provisional measure, to take all necessary action to stop her eviction. This request was rejected in December 1998.

4. On 8 December 1998, the case was transmitted to the respondent Party under Article 8 of the European Convention on Human Rights ("the Convention").

5. In December 1999, the Chamber sent a letter to the respondent Party seeking observations on the effect of the new Article 30 of the Law on Amendments to the Law on Use of Abandoned Property to the present case and whether further attempts would be made to evict the applicant. On 26 January 2000, the respondent Party responded that its relevant organs no longer conduct proceedings under the old law, but rather follow the procedures set out in the new law.

6. On 22 March 2000, the respondent Party submitted observations on the admissibility and merits of the case.

7. On 22 March 2000, the Chamber wrote to the applicant, enclosing a copy of the respondent Party's letter of 26 January 2000. It asked her to state whether, in view of the fact that the proceedings under the old law to evict her have been terminated, she considers the matter resolved. On 29 March 2000, the applicant replied that she considers her case to be resolved, and therefore she would like to withdraw her application before the Chamber.

III. OPINION OF THE CHAMBER

8. 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."

9. The Chamber notes that the applicant has informed it that she considers her case to be resolved and therefore she would like to withdraw her application before the Chamber. 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 decides to strike out the application.

IV. CONCLUSION

10. For these reasons, the Chamber, unanimously,

STRIKES OUT THE APPLICATION.

(signed)
Ulrich GARMS
Registrar of the Chamber

(signed)
Michele PICARD
President of the First Panel