



DECISION TO STRIKE OUT

Case no. CH/98/1142

Ifeta SAMARDŽIĆ

against

THE REPUBLIKA SRPSKA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 7 September 2002 with the following members present:

Mr. Giovanni GRASSO, President
Mr. Jakob MÖLLER
Mr. Mehmed DEKOVIĆ
Mr. Vitimir 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 as well as Rule 52 of the Chamber’s Rules of Procedure:

I. FACTS

1. The case concerns the applicant's attempt to regain possession of her property. The applicant, who is of Bosniak origin and a citizen of Bosnia and Herzegovina, is the pre-war owner of property situated in Gradiška. She claimed that she had lodged a request for repossession before the Ministry for Refugees and Displaced Persons in Gradiška.
2. On 8 May 2000, the Ministry for Refugees and Displaced Persons in Gradiška wrote to the Chamber claiming that the applicant did not lodge a request for repossession before it.

II. COMPLAINTS

3. The applicant alleges violations of her rights as protected by Articles 8, 13 and 14 of the European Convention on Human Rights (the "Convention") and Article 1 of Protocol No. 1 to the Convention, as well as violations of Annexes 6 and 7 to the General Framework Agreement.

III. PROCEEDINGS BEFORE THE CHAMBER

4. The application was received and registered by the Chamber on 4 September 1998.
5. On 18 January 1999, the Chamber transmitted the application to the respondent Party for its observations on the admissibility and merits under Articles 6 and 8 of the Convention and Article 1 of Protocol No. 1 to the Convention, in connection with Article II(2)(b) of the Agreement.
6. In its observations of 19 March 1999, the respondent Party was of the opinion that the application should be declared inadmissible because the applicant has not exhausted domestic remedies.
7. The Chamber wrote to the applicant on 9 May 2000 asking her to provide additional information concerning the case within four weeks.
8. On 15 May 2000, the respondent Party confirmed the claim that the applicant had not lodged a request for repossession before the responsible bodies.
9. On 19 July 2000, the Chamber wrote to the applicant, by registered mail, asking her to reply to its letter of 9 May 2000 and enclosing a copy of that letter. She was also informed that if she did not reply within one month, the Chamber might conclude that she no longer wished to proceed with her application and decide to strike out her application. On 22 July 2000 the Chamber received a signed certificate of delivery of its letter of 19 July 2000. No reply was received to this letter. The Chamber sent a reminder letter on 20 October 2000. On 23 October 2000 the Chamber received a certificate of delivery of its letter of 20 October 2000, signed by the person residing at the address given by the applicant in her application. No reply was received to this letter either.

IV. OPINION OF THE CHAMBER

10. 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."
11. The Chamber notes that the applicant has not replied to the letters it sent to her. The Chamber further notes that these letters specifically informed the applicant that, if she did not reply, the Chamber would assume that she did not wish to proceed with her application. The Chamber finds that the applicant does not intend to pursue the application. 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.

V. CONCLUSION

12. For these reasons, the Chamber, unanimously,

STRIKES OUT THE APPLICATION.

(signed)
Ulrich GARMES
Registrar of the Chamber

(signed)
Giovanni GRASSO
President of the Second Panel