



DECISION TO STRIKE OUT

Case no. CH/98/1200

Radojka PECALJ

against

THE REPUBLIKA SRPSKA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 7 October 1999 with the following members present:

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

Mr. Anders MÅNSSON, 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) of the Agreement as well as Rules 49(2) and 52 of the Chamber’s Rules of Procedure:

I. FACTS

1. The applicant occupied an apartment located at Žarka Zgonjanina 42 in Prijedor, Republika Srpska. She occupied it in accordance with a temporary decision of the holder of the allocation right over it. On 31 July 1997 the Commission for the Accommodation of Refugees and the Administration of Abandoned Property in Prijedor, a department of the Ministry for Refugees and Displaced Persons declared the applicant to be an illegal occupant of the apartment and ordered her to vacate it. She has not provided any evidence that she appealed to the Ministry against this decision within the legal time-limit of three days from receipt. Neither has she informed the Chamber of whether the eviction was actually carried out.

II. COMPLAINTS

2. The applicant does not claim any specific violations of her human rights as protected by the Agreement.

III. PROCEEDINGS BEFORE THE CHAMBER

3. The application was introduced on 1 October 1998 and registered on the same day. The applicant requested that the Chamber order a provisional measure to prevent her eviction from the apartment.

4. The President of the Chamber refused the request for a provisional measure. The applicant was orally informed of this decision by the Registry. On 26 January 1999, the Registry wrote to the applicant by registered post and asked her to inform it whether or not she wished to proceed with her case before the Chamber. A time-limit expiring on 23 February 1999 was set for the receipt of her reply. The Chamber has received a certificate of receipt of this letter, dated 1 February 1999 and signed by the applicant. No reply was received to the letter.

5. On 26 May 1999 the Registry wrote to the applicant again by registered post, reminding her that no reply had been received to its earlier letter. She was informed that if no reply was received to this second letter within three weeks, the Chamber might conclude that she no longer wished to proceed with her application and decide to strike it out from its list pursuant to Article VIII(3)(a) or (c) of the Agreement. The Chamber has received a certificate of delivery of this letter dated 29 May 1999 and signed by the applicant. No reply has been received to this letter.

IV. OPINION OF THE CHAMBER

6. According to Article VIII(3) of the Agreement, the Chamber may at any point decide to strike out an application on the ground that (a) the applicant does not intend to pursue his application; (b) the matter has been resolved; or (c) for any other reason established by the Chamber, it is no longer justified to continue the examination of the case. In all these situations, however, a decision to strike out an application must be consistent with the objective of respect for human rights.

7. In the present case the Chamber, which has received confirmation that the applicant has received the letters sent to her by the Registry, notes that she has not replied to either of them.

8. Accordingly, the Chamber concludes that the applicant does not intend to pursue her application. In these circumstances it is no longer justified to continue the examination of the case. Moreover, such an outcome would not be inconsistent with the objective of respect for human rights.

V. CONCLUSION

9. For these reasons, the Chamber, unanimously,

STRIKES OUT THE APPLICATION.

(signed)
Anders MÅNSSON
Registrar of the Chamber

(signed)
Michèle PICARD
President of the First Panel