



DECISION TO STRIKE OUT

CASE No. CH/98/1204

Slavica LUŽIJA

against

THE REPUBLIKA SRPSKA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First on 14 April 1999 with the following members present:

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

Mr. Leif BERG, 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 lives in a house in Partizanska Street No. 128 in Prijedor. On 24 December 1992 the applicant and the owner of the house entered into a lease contract. The contract was validated by the Municipality of Prijedor on the same day.

2. The applicant has lived in the house since the contract was concluded. She stated that the Ministry for Refugees and Displaced Persons (the "Ministry") tried to move a displaced family into the house to share the house with her and her family. She has never received any decision by the Ministry concerning this.

II. COMPLAINTS

3. The applicant complained about her right to property and right to home, family life and correspondence have been violated.

III. PROCEEDINGS BEFORE THE CHAMBER

4. The application was introduced to the Chamber on 2 October 1998 and registered on the same day.

5. The applicant requested the Chamber make a provisional measure which would prohibit the respondent Party to take any steps to enable another family share the house with her. During the session of the Human Rights Chamber held in October 1998 the First Panel decided to refuse the request. On 29 October a letter was sent to the applicant informing her about her request had been refused and asking her whether she wanted to pursue her application before the Chamber. There has been no reply to this letter.

6. On 18 March 1999 a reminder was sent to the applicant. On 29 March 1999 the applicant informed the Registry that she did not want to pursue her application before the Chamber and asked the Chamber to strike it out of its list. She stated that she had not been disturbed in her possession of the house since she informed the Ministry of her contract with the owner of the house.

IV. OPINION OF THE CHAMBER

7. 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.

8. In the present case the Chamber notes that in her letter of 29 March 1999 the applicant explicitly requested the Chamber to strike her case out from its list, as no attempts have been made to disturb her in her occupation of the house for approximately six months.

9. 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 and such an outcome would not be inconsistent with the objective of respect for human rights.

V. CONCLUSION

10. For these reasons, the Chamber unanimously,

STRIKES OUT THE APPLICATION.

(signed)
Leif BERG
Registrar of the Chamber

(signed)
Michèle PICARD
President of the First Panel