



DECISION TO STRIKE OUT

Case no. CH/98/1273

Nataša STEFANOVIĆ

against

THE REPUBLIKA SRPSKA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 4 November 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 held the occupancy right over an apartment located at Rade Vranješević in Banja Luka, Republika Srpska. In 1992 she left the apartment due to the hostilities. She currently lives in other accommodation in Banja Luka. She has not taken any steps to seek to regain possession of the apartment.

II. COMPLAINTS

2. The applicant does not claim any specific violations of her human rights as protected by the Agreement. She complains of the fact that she had to leave the apartment and requests that the Chamber order the eviction of the current occupants.

III. PROCEEDINGS BEFORE THE CHAMBER

3. The application was introduced on 29 October 1998 and registered on the same day. On 28 May 1999 the Registry wrote to the applicant, asking her to inform it of what steps, if any, she had taken under the law of the Republika Srpska to seek to regain possession of the apartment. No reply was received to this letter.

4. On 5 August 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 of its list. The Chamber has received a certificate of delivery of this letter dated 6 August 1999 and signed by a person residing at the same address and with the same family name as the applicant. No reply has been received to this letter.

IV. OPINION OF THE CHAMBER

5. 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.

6. The Chamber has received confirmation that a person residing at the same address and with the same family name as the applicant has received the registered letter sent to her by the Registry. The Chamber notes that she has not replied to this letter and that she has not been in contact with the Chamber since October 1998.

7. 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

8. 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