



DECISION TO STRIKE OUT

Case no. CH/98/1274

Dragica MEDENICA

against

BOSNIA AND HERZEGOVINA

and

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 8 February 2000 with the following members present:

Mr. Giovanni GRASSO, President
Mr. Viktor MASENKO-MAVI, Vice-President
Mr. Jakob MÖLLER
Mr. Mehmed DEKOVIĆ
Mr. Manfred NOWAK
Mr. Vitomir POPOVIĆ
Mr. Mato TADIĆ

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 is a citizen of Bosnia and Herzegovina of Serb descent. She claims that she held the occupancy right over an apartment in Sarajevo since 1967. In April 1992 she was forcibly evicted from the apartment by persons who she describes as “members of Muslim forces”. On 2 September 1998 she applied to the responsible organ of the Federation of Bosnia and Herzegovina to regain the occupancy right over the apartment.

II. COMPLAINTS

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

III. PROCEEDINGS BEFORE THE CHAMBER

3. The application was received and registered by the Chamber on 29 October 1998.

4. On 18 June 1999 the Chamber sent a letter to the applicant requesting additional information concerning the status of the case. A reminder was sent on 19 October 1999, which informed the applicant that if she did not reply it, the Chamber might assume that she did not wish to proceed with her application. The Chamber has received confirmation that the applicant or a person residing at her address received the letter of 19 October 1999.

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 notes that the applicant has not replied to its letters. The Chamber also notes that its letter of 19 October 1999 specifically informed the applicant that if she did not reply to it, the Chamber might assume that she did not wish to proceed with her application. In addition, it has been incumbent on the applicant to keep the Chamber informed about her case. She has not, however, been in contact with the Chamber since the introduction of her application.

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 seem to 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)
Giovanni GRASSO
President of the Second Panel