



DECISION TO STRIKE OUT

Case no. CH/98/1490

Živana VUKADINOVIĆ

against

THE REPUBLIKA SRPSKA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 7 June 2001 with the following members present:

Mr. Viktor MASENKO-MAVI, Acting President
Mr. Jakob MÖLLER
Mr. Mehmed DEKOVIĆ
Mr. Manfred NOWAK
Mr. Vitomir 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 application was introduced on 19 November 1998. The applicant requested that the Chamber order the respondent Party, as a provisional measure, to take all necessary action to prevent her eviction from an apartment which she occupied. On 23 November 1998, the President of the Second Panel ordered the provisional measure requested.

2. The applicant complains of a decision of the Ministry for Refugees and Displaced Persons, Commission for Accommodation of Refugees and Management of Abandoned Property in Prijedor, dated 9 April 1998, ordering her eviction from a house which she occupied. The eviction was ordered pursuant to the Law on the Use of Abandoned Property because the Commission for Accommodation of Refugees and Management of Abandoned Property in Prijedor allocated it to a third person.

II. PROCEEDINGS BEFORE THE CHAMBER

3. On 22 March 2000 the Registry sent a letter to the applicant informing her that all procedural decisions based on the Law on the Use of Abandoned Property are automatically annulled within the meaning of the amendments of 27 October 1999, to the Law on Cessation of Application of the Law on Abandoned Property. The applicant was also asked whether she considers her case as solved by those amendments. Reminders were sent to the applicant on 26 June 2000 and 10 April 2001, in which the Chamber specifically warned the applicant that a failure to respond could result in her application being struck out. The Chamber has received confirmation that the letters were delivered to the applicant's address; however, no answer has been received by the Chamber.

III. OPINION OF THE CHAMBER

4. 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."

5. The Chamber notes that the applicant has not replied to the letters it sent to her. The Chamber also 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.

6. The Chamber will withdraw its order for a provisional measure with immediate effect.

IV. CONCLUSION

7. For these reasons, the Chamber, unanimously

STRIKES OUT THE APPLICATION and

WITHDRAWS ITS ORDER FOR A PROVISIONAL MEASURE WITH IMMEDIATE EFFECT.

(signed)
Ulrich GARMS
Registrar of the Chamber

(signed)
Viktor MASENKO-MAVI
Acting President of the Second Panel