



DECISION TO STRIKE OUT

Case no. CH/98/1792

Merima TATAREVIĆ

against

THE REPUBLIKA SRPSKA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 10 January 2003 with the following members present:

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

Mr. Ulrich GARMS, Registrar
Ms. Olga KAPIĆ, Deputy Registrar
Ms. Antonia DE MEO, 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 case concerns the applicant's attempts to regain possession of her pre-war property located at Boška Neimarevića 9 Street in Gradiška, the Republika Srpska.
2. On 5 March 1998, the applicant lodged a request before the Ministry for Refugees and Displaced Persons, Gradiška Department, regarding repossession of her pre-war property.
3. On 20 March 1999, the Ministry for Refugees and Displaced Persons, Gradiška Department, issued a procedural decision reinstating the applicant into possession of the property in question and terminating the right of the temporary occupant to use it.

II. COMPLAINTS

4. The applicant alleges a violation of her rights as protected by Articles 8, 13 and 14 of the European Convention on Human Rights ("the Convention") and Article 1 of Protocol No. 1 to the Convention, as well as violations of Annexes 6 and 7 to the General Framework Agreement.

III. PROCEEDINGS BEFORE THE CHAMBER

5. The application was introduced on 23 December 1998 and registered on the same day.
6. On 5 May 1999, the Chamber transmitted the application to the respondent Party for its observations on the admissibility and merits under Articles 6 and 8 of the Convention and Article 1 of Protocol No. 1 to the Convention, in connection with Article II(2)(b) of the Agreement.
7. On 28 February 2002, the respondent Party provided information to the Chamber that the applicant had regained possession of her property on 3 October 2001.
8. On the 15 March 2002, the Chamber wrote to the applicant asking her to confirm this information. She was cautioned that if she did not reply within 15 days, the Chamber might conclude that she no longer wished to proceed with her application and decide to strike it out. No reply was received to this letter.
9. On 28 August 2002, the Chamber sent a reminder letter to the applicant, by registered mail, enclosing a copy of the letter of 15 March 2002 and asking for her reply. The applicant was again cautioned that the Chamber might conclude that she no longer wished to proceed with her application and decide to strike it out, if no answer was received within seven days. On 29 August 2002, the Chamber received the signed delivery receipt for its letter of 28 August 2002, but it received no reply. The Chamber sent another reminder letter on 12 November 2002. On 13 November 2002, the Chamber received the signed delivery receipt for its letter of 12 November 2002, but it received no reply to this letter either.
10. On 19 November 2002, the applicant called the Chamber and said that she would not reply to the letters sent to her because she did not consider that the Chamber had helped her in any way.

IV. OPINION OF THE CHAMBER

11. 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."

12. The Chamber notes that the applicant has not replied to the letters it sent to her. The Chamber further notes that these letters specifically cautioned the applicant that if she did not reply, the Chamber might assume that she did not wish to proceed with her application. Accordingly, 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.

V. CONCLUSION

13. For these reasons, the Chamber, unanimously,

STRIKES OUT THE APPLICATION.

(signed)
Ulrich GARMS
Registrar of the Chamber

(signed)
Mato TADIĆ
President of the Second Panel