



DECISION TO STRIKE OUT

CASE No. CH/98/833

Hanka RAMIĆ

against

THE REPUBLIKA SRPSKA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel 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 application concerns the attempts by the applicant to regain possession of property which she owns, located in Gradiška, Republika Srpska. The property is currently occupied by displaced persons.

2. During the war, the applicant left the Republika Srpska. She returned after the war and has been living with relatives since then. On 29 May 1998, she applied to the office of the Ministry for Refugees and Displaced Persons in Gradiška, seeking the return of her property. On 2 July 1998, she requested urgency in dealing with her request. There has been no decision on her request to date. On 29 July 1998, the applicant initiated proceedings against the current occupants of the property before the Court of First Instance in Gradiška, seeking to regain possession of the property. According to the information provided to the Registry, there has been no decision on these proceedings to date.

II. COMPLAINTS

3. The applicant complained that her rights as protected by Articles 8, 13 and 14 of, and Article 1 of Protocol No. 1 to, the European Convention on Human Rights have been violated.

III. PROCEEDINGS BEFORE THE CHAMBER

4. The application was introduced on 3 August 1998 and registered on the same day.

5. On 10 September 1998, the First Panel decided, pursuant to Rule 49(3)(a) of the Rules of Procedure to request certain further information from the applicant concerning the basis upon which the current occupants of the property concerned in the application do so. A letter in these terms was sent to the applicant on 22 September 1998 and she was requested to reply by 22 October 1998.

6. No reply has been received by the Chamber to the above letter.

7. On 25 January 1999, the Registry wrote to the applicant again by registered mail, enclosing a copy of the letter of 22 September 1998. In this letter, she was asked to reply to the letter of 22 September 1998. She was informed that if she did not do so, the Chamber may conclude that she no longer wishes to proceed with her application and strike it from its list under Article VIII(3)(a) or (c) of the Agreement. The Registry has received a certificate of receipt in respect of this letter, dated 26 January 1999 and signed by a Mr. F.Đ. This person was named by the applicant in her application as the person to whom correspondence for her should be sent. He is the owner of the property in which the applicant stated in her application that she was currently living in. The applicant's reply was due by 8 February 1999. No reply has been received by the Chamber to this letter.

IV. OPINION OF THE CHAMBER

8. 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.

9. In the present case the Chamber notes that the applicant has not replied to either of the letters sent to her by the Chamber. The Chamber has received confirmation that the person nominated by the applicant to receive correspondence on her behalf has received the letter from the Chamber dated 25 January 1999. The Chamber also notes that the letter of 25 January 1999 specifically informed the applicant that if she did not reply to it, the Chamber could decide to strike out her case from its list.

10. 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

11. 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