



DECISION TO STRIKE OUT

Case no. CH/99/1823

Z. Š.

against

THE REPUBLIKA SRPSKA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 5 September 2000 with the following members present:

Ms. Michèle PICARD, President
Mr. Andrew GROTRIAN, Vice-President
Mr. Dietrich RAUSCHNING
Mr. Hasan BALIĆ
Mr. Rona AYBAY
Mr. Želimir JUKA
Mr. Miodrag PAJIĆ

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, a citizen of Bosnia and Herzegovina, is the owner of real property located in Gradiška, Republika Srpska. She vacated the property during the war and now wishes to regain possession of it. On 25 September 1998 she applied to the Ministry for Refugees and Displaced Persons of the Republika Srpska in this regard. She has not informed the Chamber of the outcome of this application, nor of whether she has taken any other steps to seek to regain possession of the property.

II. COMPLAINTS

2. The applicant complains in general of her inability to regain possession of her property.

III. PROCEEDINGS BEFORE THE CHAMBER

3. The application was introduced on 5 February 1999 and registered on the same day. On 29 December 1999 the Chamber wrote to the applicant, requesting certain further information from her. No reply was received to this letter.

4. On 9 February 2000 the Chamber wrote to the applicant again, by registered post, asking her to reply to its letter of 29 December 1999 and enclosing a copy of that letter. She was informed that if she did not reply 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. On 12 February 2000 the Chamber received a certificate of delivery of its letter of 9 February 2000 signed by a person residing at the address given by the applicant for correspondence. 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 notes that the applicant has not replied to any of the letters it has sent to her. Even though the Chamber has not received confirmation that she has actually received any of the letters it sent to her, it has in any event been incumbent on her to keep the Chamber informed of any changes of address or other relevant information. The applicant, however, has not been in contact with the Chamber since February 1999, the date of her lodging her application to the Chamber.

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