



DECISION TO STRIKE OUT

CASE No. CH/99/1834

Jadranka ŠVARC

against

THE REPUBLIKA SRPSKA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 10 January 2001 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. Vitimir POPOVIĆ
Mr. Mato TADIĆ

Mr. Peter KEMPEES, 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 and Rules 49(2) and 52 of the Chamber's Rules of Procedure:

I. INTRODUCTION

1. The application was introduced on 11 February 1999. The applicant requested the Chamber to order the respondent Party, as a provisional measure, to take all necessary action to prevent her eviction. On 18 February 1999 the Chamber decided not to order the provisional measure requested.
2. The applicant alleges a violation of Article 8 of the European Convention and Article 1 of Protocol 1 to the European Convention.
3. On 19 February 1999 a letter was sent by the Registry to the person named in the application, and duly authorised, as the applicant's representative informing him that the applicant's request for provisional measure had been rejected. The representative was also asked to inform the Chamber within one month whether the applicant wanted to continue with her application before the Chamber. No response was received.
4. On 28 June 1999 the Chamber sent a registered letter to the representative asking him to inform the Chamber within two weeks whether the applicant wanted to continue with her application. No response was received.
5. On 5 October 1999 the Chamber sent a registered letter to the representative asking him to reply within 3 weeks. On 19 October 1999 the representative informed the Chamber that he had been dismissed by the applicant on 7 October 1999.
6. On 10 May 2000 the Chamber sent a letter directly to the applicant at the address indicated in the application asking her to inform the Chamber within 4 weeks whether she wanted to continue with her application. No response was received.
7. On 19 July 2000 the Chamber sent a registered letter to the applicant at the same address asking her to inform the Chamber within 3 weeks whether she wanted to continue with her application. However, the letter was delivered back to the Chamber because the post office could not reach the applicant.
8. The applicant has not been in contact with the Chamber since the application was received on 11 February 1999. Should she in the meantime have changed address, it would have been incumbent on her to so inform the Chamber, personally or through her representative. In the circumstances, it appears that the contact with the applicant has been lost.

II. OPINION OF THE CHAMBER

9. Having regard to Article VIII(3) of the Agreement, the Chamber finds that the applicant has displayed a lack of interest in pursuing the matter. Furthermore, the Chamber finds no special circumstances regarding respect for human rights which require the examination of the application to be continued. It follows that the application must be struck out of the list.

III. CONCLUSION

10. For these reasons, the Chamber, unanimously,

STRIKES THE APPLICATION OUT

(signed)
Peter KEMPEES
Registrar of the Chamber

(signed)
Giovanni GRASSO
President of the Second Panel