



DECISION TO STRIKE OUT

Case no. CH/99/2323

Suada PETREKOVIĆ

against

THE REPUBLIKA SRPSKA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 6 March 2003 with the following members present:

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

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 applicant complains of the non-enforcement of a judgment issued by the First Instance Court in Banja Luka on 23 December 1998, confirming her right to regain possession of her property located at Jevrejska 32 Street in Banja Luka, the Republika Srpska, and terminating the right of Z.P., the temporary occupant, to use it.

2. Z.P. appealed to the Second Instance Court in Banja Luka against the mentioned judgment. The Chamber has no further information concerning the proceedings before the Second Instance Court.

II. COMPLAINTS

3. The applicant alleges violations of her rights as protected by Article 6(1) of the European Convention on Human Rights (the "Convention") and Article 1 of Protocol No. 1 to the Convention.

III. PROCEEDINGS BEFORE THE CHAMBER

4. The application was received and registered by the Chamber on 9 August 1999.

5. On 10 May 2000, the Chamber wrote to the applicant asking her to provide it with certain additional information within four weeks. The Chamber received no reply to this letter. On 19 July 2000, the Chamber sent another letter to the applicant, by registered mail, asking her to reply to its letter of 10 May 2000 and enclosing a copy of that letter. This letter cautioned the applicant that if she did not reply to it within three weeks, the Chamber might conclude that she no longer wished to proceed with her application and decide to strike it out. On 20 July 2000, the Chamber received the signed certificate of delivery of its letter of 19 July 2000, but it received no reply from the applicant. The Chamber sent a reminder letter to the applicant on 26 September 2000. On 27 September 2000, the Chamber received the signed certificate of delivery of its letter of 26 September 2000, but it received no reply to this letter either.

IV. OPINION OF THE CHAMBER

6. 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."

7. 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. 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

8. For these reasons, the Chamber, unanimously,

STRIKES OUT THE APPLICATION.

(signed)
Ulrich GARMS
Registrar of the Chamber

(signed)
Michèle PICARD
President of the First Panel