



DECISION TO STRIKE OUT

Case no. CH/99/2343

Rada VUČIĆ

against

THE REPUBLIKA SRPSKA

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

Ms. Michèle PICARD, President
Mr. Miodrag PAJIĆ, Vice-President
Mr. Dietrich RAUSCHNING
Mr. Hasan BALIĆ
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)(b) of the Agreement as well as Rule 52 of the Chamber's Rules of Procedure:

I. FACTS

1. The case concerns the attempts of the applicant to prevent her eviction from an apartment situated at Ante Jakića Street No. 2 in Banja Luka, the Republika Srpska, until she regains possession of her pre-war apartment situated at Save Mrkalja Street No. 11 in Banja Luka.

II. COMPLAINTS

2. The applicant allege violations of her rights as protected by Articles 8 and 13 of 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

3. The application was received and registered by the Chamber on 3 September 1999.

4. The applicant requested that the Chamber order the respondent Party, as a provisional measure, to take all necessary steps to prevent her eviction from the apartment in question. The Chamber decided to refuse the provisional measure requested.

5. On 29 December 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 European Convention on Human Rights (“the Convention”) and Article 1 of Protocol No. 1 to the Convention.

6. On 26 June 2001, the respondent Party provided information to the Chamber that the applicant had regained possession of her pre-war apartment on 6 March 2001.

7. On 13 January 2003 the Chamber wrote to the applicant, asking her to provide updated information regarding her case before the Chamber. No reply was received to this letter. On 10 February 2003, the Chamber sent a reminder letter to the applicant. The letter was returned to the Chamber. According to the note from the Post Office, the applicant has moved and her new address is unknown.

IV. OPINION OF THE CHAMBER

8. 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 ... (b) the matter has been resolved; ... provided that such a result is consistent with the objective of respect for human rights.”

9. According to Rule 46(6) of the Chamber’s Rules of Procedures, applicants shall keep the Chamber informed of their change of address

10. The respondent Party informed the Chamber that the applicant has been reinstated into her pre-war apartment. Further, the applicant has not responded to the letters the Chamber sent to her and has not informed the Chamber of her current address. Considering these facts, the Chamber finds that the matter raised in the applications has been resolved. Furthermore, the Chamber finds no special circumstances regarding respect for human rights which require the examination of the applications to be continued. Therefore, the Chamber decides to strike out the application pursuant to Article VIII(3)(b) of the Agreement.

V. CONCLUSION

11. 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