



DECISION TO STRIKE OUT

CASE No. CH/98/1267

Goran ČANKOVIĆ

against

THE REPUBLIKA SRPSKA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 7 June 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 applicant is citizen of Bosnia and Herzegovina, of Serb descent. On an unspecified date he occupied an apartment in Vojvode Živojina Mišića Street No. 77, Banja Luka. It appears that initially the applicant was an illegal occupant.
2. The holder of the allocation right over the apartment initiated administrative proceedings for the applicant's eviction. On 13. October 1997 the Municipal Secretariat for Urban Planning and Housing-Communal Affairs issued a decision ordering the applicant to vacate the apartment. On 17 October the applicant appealed against the decision, but the appeal could not suspend the execution.
3. On 10 September 1998 the Ministry for Refugees and Displaced Persons (the "Ministry") issued a decision allocating the apartment to the applicant. The holder of the allocation right has not been delivered this decision and could not appeal against it. On 13 October 1998 the holder of the allocation right requested the Ministry to renew the allocation proceedings and invalidate the decision of 10 September. It appears that there have been no developments following this request.
4. On 22 October 1998 the Secretariat issued a conclusion authorising the applicant's eviction and scheduling it for 29 October 1998.

II. COMPLAINTS

5. The applicant made no allegation of a violation of any specific right under the Agreement.

III. PROCEEDINGS BEFORE THE CHAMBER

6. The application was introduced on 28 October 1998 and registered on the same day. The applicant requested that the Chamber issue a provisional measure ordering the respondent Party to take all necessary action to prevent his eviction from the apartment referred to at paragraph 1 above.
7. On 28 October 1998 the President of the Chamber refused the request for provisional measure.
8. On 26 January 1999 the Registry wrote to the applicant requesting him to inform the Chamber of whether he wished to pursue his application. His reply was due by 26 February 1999. No reply has been received.
9. On 18 March 1999 the Registry wrote to the applicant by registered mail, enclosing a copy of the letter of 26 January. In this letter, he was asked to reply to the letter of 26 January 1999. He was informed that if he did not do so, the Chamber would conclude that he no longer wished to proceed with his application and would strike it from its list under Article VIII(3)(a) or (c) of the Agreement. The letter could not be delivered to the applicant, since he could not be found at the given address.

IV. OPINION OF THE CHAMBER

10. 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.
11. In the present case the Chamber notes that the applicant has never contacted the Registry after 28 October 1998 when he was orally informed that the request for a provisional measure in the case had been refused. It has been incumbent on him to keep the Chamber informed of any developments in his case as well as of any changes of address. He failed to do so.
12. Accordingly, the Chamber concludes that the applicant does not intend to pursue his 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

13. 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