



DECISION TO STRIKE OUT

CASE No. CH/98/1296

Milenko ŠUNIĆ

against

THE REPUBLIKA SRPSKA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 11 June 1999 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. Vitomir POPOVIĆ
Mr. Mato TADIĆ

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 occupied an apartment located at Pećani H-1/36 ("the apartment"), Prijedor. He is a war invalid. On 10 November 1992, he entered the apartment with the permission of the holder of the allocation right over it. The previous holder of the occupancy right had left Bosnia. The applicant did not receive any formal decision entitling him to occupy the apartment nor did he enter into a contract with the relevant housing company. In late October or early November 1998 (exact date unknown) the applicant was ordered by the Ministry for Refugees and Displaced Persons to vacate the apartment. The applicant has not informed the Chamber of whether he appealed against this decision nor of whether he still occupies the apartment.

II. COMPLAINTS

2. The applicant claimed that his rights to life and to family and private life would be violated were he to be evicted from the apartment.

III. PROCEEDINGS BEFORE THE CHAMBER

3. The application was introduced on 4 November 1998 and registered on the same day. The applicant requested that the Chamber order a provisional measure to take all necessary action to prevent his eviction from the apartment. The applicant's request for a provisional measure was refused by the Chamber. Shortly thereafter, the applicant was informed of this decision orally by the Registry.

4. On 26 January 1999, the Chamber wrote to the applicant by registered post and asked him to inform it of whether he wished to proceed with his application. He was informed that if he did not reply to this letter, the Chamber might decide that he no longer wished to proceed with his application. No reply was received to this letter. The Chamber received a receipt of delivery in respect of this letter signed by a person residing at the applicant's address.

5. On 18 March 1999, the Chamber wrote to the applicant again by registered post and asked him to inform the Chamber of whether he wished to proceed with his application before it. This second letter also informed him that if no reply was received, the Chamber might decide that he no longer wished to proceed with his application and decide to strike it from its list in accordance with Article VIII(3)(a) or (c) of the Agreement. No reply was received to this second letter. The Chamber received a written confirmation of receipt of this letter, signed by a person residing at the address given by the applicant. The applicant has not been in contact with the Chamber since he was orally informed of the refusal of his request for a provisional measure.

IV. OPINION OF THE CHAMBER

6. 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.

7. The Chamber has received certificates of delivery of both letters sent to the applicant by it, signed by persons residing at the address given by the applicant in his application to the Chamber. Even if the applicant no longer lived at the address in question at the time of delivery of the letters and possibly, therefore, never received them, it would have been incumbent on him at any rate to keep the Chamber informed of any developments in his case as well as of any changes of address. Since November 1998 the applicant has not been in contact with the Chamber.

8. 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

9. For these reasons, the Chamber unanimously,

STRIKES OUT THE APPLICATION.

(signed)
Leif BERG
Registrar of the Chamber

(signed)
Giovanni GRASSO
President of the Second Panel