



DECISION TO STRIKE OUT

CASE No. CH/98/971

Slobodan MILAŠINOVIĆ

against

THE REPUBLIKA SRPSKA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 7 July 1999 with the following members present:

Ms. Michèle PICARD, President
Mr. Roan AYBAY, Vice-President
Mr. Hasan BALIĆ
Mr. Dietrich RAUSCHNING
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 occupied an apartment located at Cara Lazara 34 ("the apartment"), Banja Luka since 1995. He entered into possession of the apartment under the agreement with the holder of the occupancy right over the apartment, who left Banja Luka. This agreement was not entered into with the consent of the holder of the allocation right over the apartment. On 15 September 1998 the Commission for the Accommodation of Refugees and the Administration of Abandoned Property in Banja Luka ("the Commission"), a department of the Ministry for Refugees and Displaced Persons ("the Ministry") declared the applicant to be an illegal occupant of the apartment and ordered him to vacate it within three days under threat of forcible eviction. On the same day, the applicant appealed against this decision to the Commission.

II. COMPLAINTS

2. The applicant did not make any specific allegations of violations of his human rights as protected by the Agreement. He complained of the failure of the authorities to regulate his housing situation.

III. PROCEEDINGS BEFORE THE CHAMBER

3. The application was introduced on 18 September 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.

4. On 22 September 1998, the President of the Chamber refused the request for a provisional measure. On 24 September 1998 the applicant was informed of this decision by the Registry in writing and asked to inform the Chamber of whether he wished to pursue his application before the Chamber. No reply was received to this letter. In December 1998, the applicant repeated his request for a provisional measure. On 23 December 1998 the President of the Chamber again refused the request. The applicant was informed of this decision by telephone on the same day. The applicant was asked to inform the Chamber within four weeks of the date of the letter of whether or not he wished to proceed with his application before the Chamber. This letter was returned to the Chamber undelivered as the applicant no longer lived in the apartment.

5. On 18 March 1999, the Registry wrote to the applicant again by registered post. This letter reminded the applicant of the letter of 20 November 1998 and of the fact that no reply had been received to that letter. It also stated that if no reply was received to this second letter within three weeks, 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. The letter was returned by the Post Office to the Chamber, as it could not be delivered to the applicant.

6. The applicant has not contacted the Chamber since 23 December 1998.

IV. OPINION OF THE CHAMBER

7. 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.

8. In the present case the Chamber notes that the applicant has not been in contact with the Chamber since 23 December 1998. Even though the Chamber is aware that he did not receive the letters it sent to him, 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.

9. 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

10. 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