



DECISION TO STRIKE OUT

Case no. CH/98/1186

Simo KONDIĆ

against

THE REPUBLIKA SRPSKA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 8 September 1999 with the following members present:

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

Mr. Anders MANSSON, 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 application concerns the attempts to evict the applicant from an apartment he currently occupies, located in Prijedor, Republika Srpska.
2. The applicant has been occupying the apartment without any valid legal grounds. On 26 March 1997 the Municipal Secretariat for Urbanism and Housing-Communal Affairs ("the Secretariat") issued a decision ordering the applicant to vacate the apartment. On 11 September 1998 the Secretariat issued a conclusion authorising the applicant's forcible eviction from the apartment, and scheduling it for 25 September 1998.

III. PROCEEDINGS BEFORE THE CHAMBER

3. The application was introduced on 23 September 1998 and registered on the same day.
4. On 24 September 1998, the President of the Panel refused the request for a provisional measure.
5. On 26 January 1999, the Registry wrote to the applicant, requesting him to inform the Chamber whether he wished to proceed with his application before it. His reply was requested by 23 February 1999. He was informed that if no reply was received, the Chamber would assume that he did not wish to proceed with his application. The letter was sent by registered mail, and received by the applicant on 2 February 1999. There was no reply within the time limit set.
6. On 15 June 1999 the Registry sent a reminder of the letter of 26 January 1999 by registered mail. The applicant received this letter on 16 June 1999. In this letter the applicant was informed that if no reply was received by 29 June 1999, the Chamber might decide that he no longer wished to proceed with his application. There has been no reply to date.

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 replied to the letters sent to him by the Chamber. The Chamber has received confirmation that the applicant received the letters from the Chamber dated 26 January and 15 June 1999. The Chamber also notes that these letters specifically informed the applicant that if he did not reply to them, the Chamber would assume that he did not wish to proceed with his application before it.
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)
Anders MÅNSSON
Registrar of the Chamber

(signed)
Michèle PICARD
President of the First Panel