



DECISION TO STRIKE OUT

Case no. CH/98/1188

Goran ALEKSIĆ

against

THE REPUBLIKA SRPSKA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 7 October 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 MÅNSSON, 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 Rule 52 of the Chamber's Rules of Procedure:

I. FACTS

1. The applicant occupies a house located at Od Zmijanja Rajka 115, Banja Luka since 1995. The applicant and the owner of the house, who left Banja Luka, entered into a written agreement on 16 June 1995 under which the applicant was entitled to occupy the house for a period of five years. A monthly rent of 50 German Marks was payable. The agreement also provided for early termination in the event that the owner of the house returned to Banja Luka. On 7 September 1998 the Commission for the Accommodation of Refugees and the Administration of Abandoned Property in Banja Luka, a department of the Ministry for Refugees and Displaced Persons, declared the applicant to be an illegal occupant of the house and ordered him to vacate it within three days under threat of forcible eviction. The applicant states that on 17 September 1998 he appealed against this decision to the Commission.

II. COMPLAINTS

2. The applicant claims that his rights to home and family life have been violated, contrary to the European Convention on Human Rights.

III. PROCEEDINGS BEFORE THE CHAMBER

3. The application was introduced on 24 September 1998 and registered on the same day. The applicant requested that the Chamber order the respondent Party as a provisional measure to take all necessary action to prevent his eviction from the house.

4. On 25 September 1998, the President of the Chamber, pursuant to Rule 36(2) of the Chamber's Rules of Procedure, granted the applicant's request for a provisional measure.

5. On 29 October 1998 the application was transmitted to the respondent Party for observations on its admissibility and merits. No observations were received from the respondent Party.

6. On 18 January 1999 the applicant was asked to submit any further observations or claim for compensation he wished to make. No reply was received from the applicant.

7. On 18 March 1999, the Registry wrote to the applicant by registered post. This letter reminded the applicant of its letter of 18 January 1999 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 conclude that he no longer wishes to proceed with his application and decide to strike it out from its list in accordance with Article VIII(3)(a) or (c) of the Agreement. The Registry received a certificate of receipt of the above letter signed by a neighbour of the applicant. No reply was received from the applicant to this letter.

8. On 23 June 1999 the Registry wrote another registered letter to the applicant with substantially the same contents as the letter of 18 March 1999. The Registry has received a certificate of receipt of its latest letter signed by a third party. No reply has been received to this letter.

9. The applicant has not contacted the Chamber since September 1998.

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 not been in contact with the Chamber since September 1998. Even though the Chamber is aware that he may not have received the letters it sent to him, in any event 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.

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. Moreover 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)
Anders MÅNSSON
Registrar of the Chamber

(signed)
Michèle PICARD
President of the First Panel