



DECISION TO STRIKE OUT

Case no. CH/98/1217

Muharem PEJKOVIĆ

against

THE REPUBLIKA SRPSKA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 12 January 2000 with the following members present:

Mr. Andrew GROTRIAN, Acting President
Mr. Dietrich RAUSCHNING
Mr. Hasan BALIĆ
Mr. Želimir JUKA
Mr. Miodrag PAJIĆ

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 Rules 49(2) and 52 of the Chamber's Rules of Procedure:

I. FACTS

1. The applicant is a citizen of Bosnia and Herzegovina. The application concerns his attempts to regain the occupancy right over an apartment in Banja Luka.
2. The occupancy right over the apartment was exchanged under a contract dated 6 September 1993 between the applicant and M.M. On 14 April 1998 the First Instance Court issued a decision declaring the occupancy right terminated as the applicant had not occupied the apartment for over six months. On 7 October 1998 an appeal, requesting a review of the proceedings, was submitted to the Court. However, it appears that no decision has been taken on this request.

II. COMPLAINTS

3. The applicant has not alleged any violation of his human rights as protected by the Agreement. He complains of the failure of the authorities to regulate his housing situation.

III. PROCEEDINGS BEFORE THE CHAMBER

4. The application was received and registered by the Chamber on 9 October 1998.
5. On 28 May and 29 September 1999 the Chamber sent letters to the applicant asking for information regarding developments in his case. The Chamber received confirmation that these letters had been delivered to the applicant but did not receive any reply from him.

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. 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. 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.
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. Moreover, 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)
Anders MÅNSSON
Registrar of the Chamber

(signed)
Andrew GROTRIAN
Acting President of the First Panel