DECISION TO STRIKE OUT

Case no. CH/99/1953

Branimir RUNJIĆ

against

THE REPUBLIKA SRPSKA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 8 February 2000 with the following members present:

> Ms. Michèle PICARD, President
> Mr. Andrew GROTRIAN, Vice-President
> Mr. Dietrich RAUSCHNING
> Mr. Hasan BALIĆ
> Mr. Rona AYBAY
> 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 Rule 52 of the Chamber's Rules of Procedure:

I. FACTS

1. The applicant, a citizen of Bosnia and Herzegovina of Serb descent, occupied an apartment located at Stojana Jankovića Street in Banja Luka. He entered into possession of it in 1995, allegedly with the permission of the occupant of the apartment, who left Banja Luka at that time. The applicant has not provided any evidence to show that he occupied the apartment legally.

2. On 11 December 1998 the Commission for the Accommodation of Refugees and the Administration of Abandoned Property in Banja Luka declared the applicant to be an illegal occupant of the apartment and ordered him to vacate it within three days. He appealed against this decision. He has not informed the Chamber of the outcome, if any, of this appeal, nor of whether the eviction has been carried out. Further, he has not been in contact with the Chamber since 16 June 1999, the date of lodging his application with the Chamber.

II. COMPLAINTS

3. The applicant complains of a violation of his rights as protected by Articles 6, 8, 13 and 14 of the European Convention on Human Rights.

III. PROCEEDINGS BEFORE THE CHAMBER

4. The application was introduced on 16 June 1999 and registered on the same day. The applicant requested that the Chamber order the respondent Party as a provisional measure to take all necessary steps to prevent his eviction from the apartment.

5. On 18 June 1999 the President of the Chamber refused the applicant's request. On 21 June 1999 he was informed of this refusal and asked to inform the Registry of whether he wished to pursue his application. No reply was received to this letter. On 6 October 1999 a registered letter was sent reminding the applicant of the letter of 21 June 1999 and stating that if he did not reply, the Chamber may decide that he does not wish to proceed with his application. A receipt was signed by the applicant on 17 October 1999. There has been no response.

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 any of the letters sent to him by the Chamber. The Chamber has received confirmation that he received the letter of 6 October 1999, which specifically informed him that if he did not reply to it, the Chamber might decide that he does 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)   (signed)
Anders MÅNSSON   Michèle PICARD
Registrar of the Chamber   President of the First Panel