



DECISION TO STRIKE OUT

Case no. CH/99/1990

Nikola GRBIĆ

against

THE REPUBLIKA SRPSKA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 6 April 2000 with the following members present:

Mr. Giovanni GRASSO, President
Mr. Viktor MASENKO-MAVI, Vice-President
Mr. Jakob MÖLLER
Mr. Mehmed DEKOVIĆ
Mr. Manfred NOWAK
Mr. Vitomir POPOVIĆ
Mr. Mato TADIĆ

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, a citizen of Bosnia and Herzegovina, lived in part of a premises belonging to the kindergarten "Marija Mažar" in Banja Luka. The applicant worked at the Public Institute for Pre-school education on a temporary basis, until 30 June 1999. He was allocated the above accommodation for the length of his employment.

2. On 15 July 1999 the Institution informed the applicant that he was required to vacate the premises by 1 August 1999 and stated that if he did not do so, it would initiate proceedings to regain possession of the premises. The applicant has not informed the Chamber of whether there have been any developments in the matter nor of whether he still occupies the premises. He has not contacted the Chamber since lodging his application in July 1999.

II. COMPLAINTS

3. The applicant complains of a violation of his right to respect for his home, as protected by Article 8 of the European Convention on Human Rights.

III. PROCEEDINGS BEFORE THE CHAMBER

4. The application was introduced on 28 July 1999 and registered on the same day. The applicant requested the Chamber to order the respondent Party as a provisional measure to take all necessary action to prevent his eviction. On 30 July 1999 the Vice-President of the Second Panel refused this request. On the same day the Chamber wrote to the applicant (at the address he indicated in his application) informing him of this refusal and asking him to inform the Chamber of whether he wished to proceed with his application. No reply was received to this letter.

5. On 6 October 1999 the Registry wrote to the applicant by registered post (at the address he indicated in his application), asking him to reply to its letter of 30 July 1999 and enclosing a copy of that letter. He was informed that if he did not reply within three weeks, the Chamber might conclude that he no longer wished to proceed with his application and decide to strike it out of its list. On 7 October 1999 the Chamber received a certificate of delivery of the letter of 6 October 1999, signed by a person with the same surname as the applicant.

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. The Chamber notes that the applicant has not replied to any of the letters it sent to him. It has received confirmation that a person residing at the same address as him and with the same surname received its letter of 6 October 1999. This letter specifically informed the applicant that if he did not reply to it the Chamber might decide that he no longer wished to proceed with his application. The applicant has not been in contact with the Chamber since July 1999, nine months ago.

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 seem to 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)
Giovanni GRASSO
President of the Second Panel