



DECISION TO STRIKE OUT

Case no. CH/99/1942

Žarko KNEŽEVIĆ

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 of Serb origin, occupied an apartment located at Srđe Zlopoglede 116, Banja Luka. He moved into the apartment in 1993, in accordance with a decision of the Municipality of Banja Luka which granted him the right to occupy it for a period of twelve months commencing on 16 January 1996. Prior to entering the apartment he had lived in Banja Luka with his parents.

2. The Ministry for Refugees and Displaced Persons in Banja Luka has sought the eviction of the applicant on a number of occasions, the latest known to the Chamber being on 7 June 1999. The applicant has not informed the Chamber of whether he still occupies the apartment.

II. COMPLAINTS

3. The applicant claims that his rights as guaranteed by Articles 6, 8, 13 and 14 of the European Convention on Human Rights have been violated.

III. PROCEEDINGS BEFORE THE CHAMBER

4. The application was introduced on 4 June 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 4 June 1999 a member of the Chamber refused this request and the applicant was informed of this refusal orally on 7 June 1999. On 26 October 1999 the Chamber wrote to the applicant at the address he gave in his application requesting him to inform it of whether he wished to proceed with his application. No reply was received to this letter.

5. On 15 December 1999 the Chamber wrote to the applicant by registered post at the address he gave in his application, asking him to reply to its letter of 26 October 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 16 December 1999 the Chamber received a certificate of receipt of the letter of 15 December 1999, signed by the applicant's wife.

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 has sent to him. It has received confirmation that his wife, resident at the same address as him, received its letter of 15 December 1999. This letter specifically informed him that if he did not reply to it the Chamber might decide that he no longer wished to proceed with his application. He has not been in contact with the Chamber since June 1999, ten 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 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