



DECISION TO STRIKE OUT

Case no. CH/99/2355

Mile GALONJA

against

THE REPUBLIKA SRPSKA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 7 June 2000 with the following members present:

Ms. Michèle PICARD, President
Mr. Andrew GROTRIAN, Vice-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, a citizen of Bosnia and Herzegovina, occupied an apartment located at Gavrila Principa Street in Banja Luka. He entered it in 1995, he claims with the agreement of the holder of the occupancy right over it, who left Banja Luka. The applicant never received a decision of the holder of the allocation right over the apartment or of the Ministry for Refugees and Displaced Persons, entitling him to occupy the apartment.

2. On 4 February 1998 the holder of the allocation right over the apartment allocated it to a third party for his use. It also initiated court and administrative proceedings, seeking the eviction of the applicant from the apartment. On 2 April 1998 the Banja Luka Municipal Secretariat for Housing Affairs issued a decision, ordering the applicant to vacate the apartment within three days. The applicant did not do so. On 6 September 1999 the Secretariat issued a conclusion scheduling the eviction of the applicant for 16 September 1999. The applicant has not informed the Chamber of whether this eviction was carried out, nor of whether he still occupies the apartment.

3. The applicant has not been in contact with the Chamber since lodging his application on 14 September 1999.

II. COMPLAINTS

4. The applicant does not complain of any specific violations of his rights as protected by the Agreement. He complains in a general manner of the attempts to evict him from the apartment and of the conduct of the proceedings before the judicial and administrative organs of the Republika Srpska.

III. PROCEEDINGS BEFORE THE CHAMBER

5. The application was introduced on 14 September 1999 and registered on the same day. The applicant requested that the Chamber order the Republika Srpska as a provisional measure to take all necessary steps to prevent his eviction from the apartment. On the same day the President of the Chamber refused this request. The applicant was informed of this on writing on 23 September 1999. He was also requested to provide, within one month, certain further information. No reply was received to this letter.

6. On 14 December 1999 the Chamber wrote to the applicant again, by registered post, asking him to reply to its letter of 23 September 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 20 December 1999 the Chamber received a certificate of delivery of its letter of 14 December 1999, signed by the applicant.

IV. OPINION OF THE CHAMBER

7. 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.

8. The Chamber notes that the applicant has not replied to any of the letters it has sent to him. The Chamber has received confirmation that the applicant received its letter of 14 December 1999, which attached a copy of its letter of 23 September 1999 and specifically informed him that if he did not reply to it within three weeks the Chamber might decide that he no longer wished to proceed with his application before it. The applicant has not been in contact with the Chamber since 14 September 1999, the date of his lodging his application to the Chamber.

9. 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

10. 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