



DECISION TO STRIKE OUT

Case no. CH/99/2320

Simo PRNJIĆ

against

REPUBLIKA SRPSKA

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

Mr. Viktor MASENKO-MAVI, Acting 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 an apartment located at Starine Novaka 10 in Banja Luka. He entered into it illegally in 1997 without any legal basis. On 9 July 1999 the Court of First Instance in Banja Luka issued a conclusion scheduling the applicant's eviction for 26 August 1999. This was done on the basis of a decision of that court of 15 December 1997 by which the prewar occupant of the apartment was declared entitled to regain possession of it. The applicant has not informed the Chamber of whether the eviction was carried out on this date nor of whether he still occupies the apartment.

II. COMPLAINTS

2. The applicant complains of the attempts to evict him from the apartment.

III. PROCEEDINGS BEFORE THE CHAMBER

3. The application was introduced on 6 August 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. On 20 August 1999 the President of the Panel refused this request. The applicant was informed of this in writing on the same day and was also requested to provide certain further information. No reply was received to this letter.

4. On 14 December 1999 the Chamber wrote to the applicant again, by registered post, asking him to reply to its letter of 20 August 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 17 December 1999 the Chamber received a certificate of delivery of the letter of 14 December 1999, signed by the applicant.

IV. OPINION OF THE CHAMBER

5. 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.

6. The Chamber notes that the applicant has not replied to any of the letters it has sent to him. It has received confirmation that he received its letter of 14 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 August 1999, nine months ago.

7. 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

8. For these reasons, the Chamber, unanimously,

STRIKES OUT THE APPLICATION.

(signed)
Anders MÅNSSON
Registrar of the Chamber

(signed)
Viktor MASENKO-MAVI
Acting President of the Second Panel