



DECISION TO STRIKE OUT

Case no. CH/98/1229

Draško AJDER

against

THE REPUBLIKA SRPSKA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 5 September 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, occupies a house located at Ulica Stefana Dečanskog 53 in Banja Luka. He entered into possession of it in 1994, having signed a rental contract with the owner, who left Banja Luka.

2. On 15 October 1998 the Commission for the Accommodation of Refugees and Administration of Abandoned Property in Banja Luka, a department of the Ministry for Refugees and Displaced Persons, issued a decision declaring the applicant to be an illegal occupant of the house and ordering him to vacate it. On 19 October 1998 the applicant appealed to the Commission against this decision. According to the information available to the Chamber, there has been no decision on this appeal to date.

II. COMPLAINTS

3. The applicant complains in a general manner of the attempts to evict him from the house concerned in the application.

III. PROCEEDINGS BEFORE THE CHAMBER

4. The application was introduced on 16 October 1998 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 Vice-President of the Chamber issued an order in these terms. On 28 October 1998 the application was transmitted to the respondent Party for its observations on its admissibility and merits. No such observations were received.

5. On 18 March 1999 the applicant was requested to submit any further observations he wished to make, which he did on 11 April 1999. On 14 April 2000 the Chamber wrote to the applicant, requesting certain further information from him. No reply was received to this letter.

6. On 7 June 2000 the Chamber wrote to the applicant again, by registered post, asking him to reply to its letter of 14 April 2000 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 12 June 2000 the Chamber received a certificate of delivery of its letter of 7 June 2000, 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 been in contact with it since April 1999. The Chamber has received confirmation that the applicant received its letter of 7 June 2000, which attached a copy of its letter of 14 April 2000 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.

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