



DECISION TO STRIKE OUT

Case no. CH/99/2306

Jovo ŠARČEVIĆ

against

THE REPUBLIKA SRPSKA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 13 October 2000 with the following members present:

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

Mr. Peter KEMPEES, 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 refugee of Serb origin from Croatia, occupies an apartment located at Vojvode Stepe 23 in Doboj, Republika Srpska, without any legal basis. On 1 September 1997 the Doboj Municipal Secretariat for Urbanism, Housing-Communal Activities, Construction and Ecology ordered him to vacate the apartment. The Secretariat has scheduled the eviction of the applicant on a number of occasions. He has not informed the Chamber of whether any of these evictions has been carried out nor of whether he still occupies the apartment.

II. COMPLAINTS

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

III. PROCEEDINGS BEFORE THE CHAMBER

3. The application was introduced on 29 July 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 17 August 1999 the Chamber wrote to the applicant, requesting further details from him, in particular whether any specific date had been scheduled for his eviction from the apartment.

4. At its session in September 1999 the Chamber refused the request for a provisional measure. On 22 September 1999 the Chamber wrote to the applicant informing him of this and asking him to inform it of whether he wished to proceed with his application. No reply was received to this letter. On 15 December 1999 the Chamber wrote to the applicant again, by registered post, asking him to reply to its letter of 22 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 18 December 1999 the Chamber received a certificate of delivery of its letter of 15 December 1999, signed by the applicant. No reply has been received to this letter.

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 been in contact with the Chamber since 6 September 1999. The Chamber has received confirmation that he received its letter of 15 December 1999, which specifically informed him that if he did not reply to it, the Chamber might decide that he no longer wished to pursue his application before it, and strike the case from its list.

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)
Peter KEMPEES
Registrar of the Chamber

(signed)
Giovanni GRASSO
President of the Second Panel