



DECISION TO STRIKE OUT

Case no. CH/99/2309

Đuro SOLOMUN

against

THE REPUBLIKA SRPSKA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 7 June 2002 with the following members present:

Ms. Michèle PICARD, President
Mr. Rona AYBAY, Vice-President
Mr. Dietrich RAUSCHNING
Mr. Hasan BALIĆ
Mr. Želimir JUKA
Mr. Miodrag PAJIĆ
Mr. Andrew GROTRIAN

Mr. Ulrich GARMS, 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)(a) of the Agreement as well as Rule 52 of the Chamber's Rules of Procedure:

I. FACTS

1. This case concerns the attempts of the applicant to prevent his eviction from a hut situated in Banja Luka which he used as his living premises. The applicant is a displaced person from Sarajevo. He entered the hut in 1995 upon an oral agreement with the "Čajavec" Holding, the company which owns the hut. The company has never issued any decision allocating it to the applicant. On 20 July 1999 the company issued an order requesting "all the displaced persons living in the hut" to vacate it within a specified period of time.

II. COMPLAINTS

2. The applicant complains that the order of 20 July 1999 is illegal, since it does not name him or any other person who is to be evicted. The applicant alleges that therefore his right guaranteed by Article 6 of the Convention has been violated. He also alleges violations of Articles 8 and 13 of the Convention.

III. PROCEEDINGS BEFORE THE CHAMBER

3. The application was received and registered by the Chamber on 30 July 1999. 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 hut. The President of the First Panel refused this request. The applicant was informed of this on 27 August 1999, and at the same time, he was requested to provide, within one month, certain additional information. No reply was received to this letter.

4. The Chamber sent registered letters to the applicant on 14 December 1999 and 4 February 2000 in which the Chamber specifically warned the applicant that a failure to respond could result in his application being struck out. No reply was received to these letters either.

IV. OPINION OF THE CHAMBER

5. In accordance with Article VIII(3) of the Agreement, "the Chamber may decide at any point in its proceedings to suspend consideration of, reject or strike out, an application on the ground that (a) the applicant does not intend to pursue his application; ... provided that such a result is consistent with the objective of respect for human rights."

6. The Chamber notes that the applicant has not replied to the letters sent to him by the Chamber. The Chamber further notes that these letters specifically informed the applicant that, if he did not reply, the Chamber would assume that he did not wish to proceed with his application. The Chamber finds that the applicant does not intend to pursue the application. Furthermore, the Chamber finds no special circumstances regarding respect for human rights which require the examination of the application to be continued. The Chamber therefore decides to strike out the application.

V. CONCLUSION

7. For these reasons, the Chamber, unanimously

STRIKES OUT THE APPLICATION.

(signed)
Ulrich GARMS
Registrar of the Chamber

(signed)
Michèle PICARD
President of the First Panel