



DECISION TO STRIKE OUT

Case no. CH/00/3901

Damjan SREĆO

against

THE REPUBLIKA SRPSKA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 6 March 2003 with the following members present:

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

Mr. Ulrich GARMS, Registrar
Ms. Olga KAPIĆ, Deputy Registrar
Ms. Antonia DE MEO, 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, who is a displaced person from Bosansko Grahovo, Federation of Bosnia and Herzegovina, to prevent his eviction from an apartment situated at Carice Milice 2 Street in Banja Luka, Republika Srpska. He entered into possession of the apartment in question pursuant to the procedural decision of the Ministry for Refugees and Displaced Persons, Department Banja Luka, dated 23 November 1998.
2. On 25 November 1999, the Ministry for Refugees and Displaced Persons in Banja Luka issued a procedural decision returning possession of the apartment to the pre-war occupancy right holder and ordering the applicant to vacate it.
3. On 12 June 2000, the Ministry for Refugees and Displaced Persons in Banja Luka issued a conclusion on permission of enforcement of the procedural decision dated 25 November 1999.

II. COMPLAINTS

4. The applicant alleges a violation of his right to private life and home.

III. PROCEEDINGS BEFORE THE CHAMBER

5. The application was received and registered by the Chamber on 23 June 2000.
6. 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 in question until he regains possession over his property in Bosansko Grahovo, Federation of Bosnia and Herzegovina, or until he obtains alternative accommodation.
7. The Chamber decided to refuse the request for a provisional measure. The applicant was informed of this decision on 26 June 2000. At that time, the Chamber asked him if he wanted to proceed with his application under these circumstances, and if so, to provide certain additional information. He was also informed that if he did not reply within one month, the Chamber might conclude that he no longer wished to proceed with his application and decide to strike it out. No reply was received to this letter.
8. On 6 March 2001, the Chamber wrote to the applicant, by registered mail, asking him to reply to its letter of 26 June 2000 and enclosing a copy of that letter. The applicant was cautioned that the Chamber might conclude that he no longer wished to proceed with his application and decide to strike it out, if no answer was received within three weeks. On 16 March 2001, the reminder letter was returned to the Chamber. According to the note from the Post Office, the applicant has moved and his new address is unknown.
9. The applicant has not informed the Chamber about any new address.

IV. OPINION OF THE CHAMBER

10. 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.”
11. According to Rule 46(6) of the Chamber’s Rules of Procedures, applicants shall keep the Chamber informed of their change of address.

12. Considering that that the applicant has not informed the Chamber of his current address and he has not responded to the letters sent to him, the Chamber can only conclude 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

13. 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