



DECISION TO STRIKE OUT

Case no. CH/02/10594

Nedeljko PRERADOVIĆ

against

THE REPUBLIKA SRPSKA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 4 April 2003 with the following members present:

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

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. The case concerns the attempts of the applicant, who is refugee from Croatia, to prevent his eviction from a house situated at Zasavica nn in Samac, the Republika Srpska.
2. On 4 July 2002, the Ministry for Refugees and Displaced Persons, Department Šamac, issued a conclusion on permission of enforcement of the procedural decision of 10 May 2002, which ordered the applicant to vacate the house in question.

II. COMPLAINTS

3. The applicant alleges violations of his rights as protected by Articles 6, 8 and 13 of the European Convention on Human Rights (the "Convention") and Article 1 of Protocol No. 1 to the Convention.

III. PROCEEDINGS BEFORE THE CHAMBER

4. The application was received and registered by the Chamber on 9 July 2002.
5. 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 house in question until the proceedings before the Chamber are finished or until he obtains alternative accommodation. The Chamber decided to refuse the provisional measure requested.
6. On 12 July 2002, the Chamber wrote to the applicant, by registered mail, informing him that his application was registered and enclosing the Rules of Procedure. On 17 July 2002, the letter was returned to the Chamber. According to the note from the Post Office, the applicant has moved and his new address is unknown.
7. The applicant has not informed the Chamber about any new contact address.

IV. OPINION OF THE CHAMBER

8. In accordance with Article VIII(3)(a) 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."
9. According to Rule 46(6) of the Chamber's Rules of Procedures, applicants shall keep the Chamber informed of their change of address.
10. Considering that that the applicant has not informed the Chamber of his current address, and the Chamber is unable to reach the applicant, 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

11. For these reasons, the Chamber, unanimously,

STRIKES OUT THE APPLICATION.

(signed)
Ulrich GARMS
Registrar of the Chamber

(signed)
Mato TADIĆ
President of the Second Panel