



DECISION TO STRIKE OUT

Case no. CH/00/3647

Željko BOŽIĆ

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 to prevent his eviction from an apartment situated at Svetog Save 31/2 Street in Doboј, Republika Srpska. He entered into possession of the apartment in question pursuant to the procedural decision of the allocation right holder dated 17 January 1996.

2. On 3 February 2000, the Ministry for Refugees and Displaced Persons, Doboј Department, issued a procedural decision returning possession of the apartment to the pre-war occupancy right holder and ordering the applicant to vacate it. The applicant appealed against the mentioned decision before the Ministry for Refugees and Displaced Persons in Banja Luka. The Chamber has no further information concerning the proceedings before the Ministry for Refugees and Displaced Persons in Banja Luka.

II. COMPLAINTS

3. The applicant complains of “the procedural decision dated 3 February 2000, which recognises him as a multiple occupant”. He claims “not to be a multiple occupant since his house located at Pop Ljubina 11 Street in Doboј, Republika Srpska has been completely destroyed”.

III. PROCEEDINGS BEFORE THE CHAMBER

4. The application was received and registered by the Chamber on 15 February 2000.

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 apartment in question until his house is reconstructed.

6. The Chamber decided to refuse the request for a provisional measure. The applicant was informed of this decision on 23 February 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.

7. On 6 March 2001, the Chamber wrote to the applicant by registered mail, asking him to reply to its letter of 23 February 2000 and enclosing a copy of that letter. This letter also cautioned the applicant that if he did not reply to it within three weeks, the Chamber might conclude that he no longer wished to proceed with his application and decide to strike it out. On 19 March 2001, the reminder letter was returned to the Chamber. According to the note from the Post Office, the applicant was duly informed that his letter was at the Post Office, but he failed to collect it.

IV. OPINION OF THE CHAMBER

8. 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.”

9. The Chamber notes that the applicant has not replied to the letters it sent to him. The Chamber further notes that these letters specifically cautioned the applicant that if he did not reply, the Chamber might 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

10. 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