



DECISION TO STRIKE OUT

Case no. CH/00/3714

Josip NOT

against

THE REPUBLIKA SRPSKA

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

Mr. Viktor MASENKO-MAVI, Acting President
Mr. Jakob MÖLLER
Mr. Mehmed DEKOVIĆ
Mr. Manfred NOWAK
Mr. Vitomir POPOVIĆ
Mr. Mato TADIĆ

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 part of a house located in Prijedor.

2. On 1 July 1999 the Ministry for Refugees and Displaced Persons in Prijedor issued a procedural decision returning a part of the house to applicant's brother and declaring the applicant as a temporary user and terminating his right to use part of the house. The applicant was ordered to vacate only the part of the house owned by his brother and to remain in possession of the part which he owns, but at that time, the house had not been partitioned between the brothers.

3. On 26 October 1999 the Ministry rejected the applicant's appeal against the above-mentioned decision. On 2 January 2000 the applicant initiated an administrative dispute before the Supreme Court of the Republika Srpska. The Chamber has no information on whether these proceedings were finished.

4. On 7 March 2000 the First Instance Court issued a procedural decision defining the property rights to the house in question and partitioning it between the applicant and his brother.

II. COMPLAINTS

5. The applicant complains of a violation of his right to private life and home, as guaranteed by Article 8 of the European Convention on Human Rights.

III. PROCEEDINGS BEFORE THE CHAMBER

6. The application was received and registered on 31 March 2000.

7. The applicant requested that the Chamber order the respondent Party, as a provisional measure, to take all necessary steps to prevent his eviction from a part of the house until the administrative dispute is finished. On 1 April 2000 the President of the Second Panel decided not to order the provisional measure requested.

8. The applicant was informed of the refusal of his request for a provisional measure on 3 April 2000. He was asked if he wanted to proceed with his application under the 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 out his application. No reply was received to this letter.

9. On 7 June 2000 the Chamber wrote to the applicant, by registered mail, asking him to reply to its letter of 3 April 2000 and enclosing a copy of that letter once again. On 9 June 2000 the Chamber received a certificate of delivery of its letter of 7 June 2000, signed by a person residing at the address given by the applicant in his application. However, the Chamber has received no response from the applicant.

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. The Chamber notes that the applicant has not replied to the letters it sent to him. 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

12. For these reasons, the Chamber, unanimously

STRIKES OUT THE APPLICATION.

(signed)
Ulrich GARMS
Registrar of the Chamber

(signed)
Viktor MASENK-MAVI
Acting President of the Second Panel