



DECISION TO STRIKE OUT

Case no. CH/00/6051

" G. R. "

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, who is a displaced person from Glamoč, to prevent his eviction from a house situated in Derventa. He entered the house in question in 2000 with no legal basis. On 31 July 2000 the Ministry for Refugees and Displaced Persons in Derventa issued a procedural decision returning possession of the house to the owner and ordering the applicant to vacate it. On 4 August 2000 the applicant appealed against the mentioned decision.

II. COMPLAINTS

2. The applicant complains about the procedural decision dated 31 July 2000, which recognises him as a multiple occupant. He claims that he is not a multiple occupant since his house in Glamoč has been completely destroyed.

III. PROCEEDINGS BEFORE THE CHAMBER

3. The application was received on 15 August 2000 and registered by the Chamber on 24 August 2000.

4. 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 Derventa until he reconstructs his house in Glamoč or until he obtains alternative accommodation.

5. On 4 September 2000 the Chamber decided to refuse the request for a provisional measure. The applicant was informed of this on 15 September 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.

6. On 6 March 2001 the Chamber wrote to the applicant, by registered mail, asking him to reply to its letter of 15 September 2000 and enclosing a copy of that letter. On 9 March 2001 the Chamber received a certificate of delivery of its letter of 8 March 2001, signed by the applicant. No reply was received to this letter. The Chamber sent a reminder letter on 17 April 2001. On 5 May 2001 the Chamber received a certificate of delivery of its letter of 17 April 2001, signed by the applicant. No reply was received to this letter either.

IV. OPINION OF THE CHAMBER

7. 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."

8. 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

9. 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