



DECISION TO STRIKE OUT

Case no. CH/00/6070

Goran TAMAMOVIĆ

against

THE REPUBLIKA SRPSKA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 12 October 2001 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. The applicant complains of a decision of the Ministry for Refugees and Displaced Persons in Banja Luka, dated 29 December 1999, confirming the pre-war occupant's rights over an apartment situated in Banja Luka and terminating the right of the applicant to use it. He requested that the Chamber order the respondent Party, as a provisional measure, to take all necessary steps to prevent his eviction from the apartment he was using.

2. On 15 September 2000 the applicant was informed that his request for a provisional measure was denied. By the same letter he was asked to submit information on whether he wished to pursue his application. On 6 March 2001 and 17 April 2001, reminders were sent to the applicant by way of registered mail, return receipt requested. Although the Chamber has received confirmation that the letters were delivered to the applicant's representative, the Chamber has received no answer.

II. OPINION OF THE CHAMBER

3. 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 result is consistent with the objective of respect for human rights."

4. Considering that the applicant has not replied to the letters sent to him, 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 examination of the application to be continued. The Chamber, therefore, finds it appropriate to strike out the application.

III. CONCLUSION

5. For these reasons, the Chamber, unanimously,

STRIKES OUT THE APPLICATION.

(signed)
Ulrich GARMS
Registrar of the Chamber

(signed)
Victor MASENKO-MAVI
Acting President of the Second Panel