



DECISION TO STRIKE OUT

CASE No. CH/98/1176

Savo LAJIĆ

against

THE REPUBLIKA SRPSKA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 14 April 1999 with the following members present:

Ms. Michèle PICARD, President
Mr. Dietrich RAUSCHNING
Mr. Hasan BALIĆ
Mr. Želimir JUKA
Mr. Miodrag PAJIĆ
Mr. Andrew GROTRIAN

Mr. Leif BERG, 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) of the Agreement as well as Rules 49(2) and 52 of the Chamber's Rules of Procedure:

I. FACTS

1. The application concerns the attempts to evict the applicant from an apartment he currently occupies, located in Prijedor, Republika Srpska.

2. The applicant entered into possession of the apartment concerned on 14 July 1992, upon a verbal agreement with the holder of the occupancy right, who was leaving Prijedor. He claims that the holder of the right to allocate the apartment was aware of this agreement and that they did not object to it. He did not seek to obtain a formal decision entitling him to occupy the apartment. On 25 May 1998, the Social Work Centre of the Municipality of Prijedor, in a report on the applicant's family situation, suggested to the applicant to try to resolve formally his housing situation.

3. On 30 May 1998, the Ministry for Refugees and Displaced Persons in Prijedor issued a decision authorising the applicant's eviction from the apartment. On 3 August 1998, the applicant appealed to the Ministry against this decision. He made an additional submission relating to his appeal on 21 August 1998. On the basis of the information provided to the Chamber, it does not appear that there has been any decision on this appeal to date. The applicant has not informed the Chamber whether he has been evicted or not.

II. COMPLAINTS

4. The applicant did not make any specific complaints of violations of his rights as protected by the Agreement. He complained that if evicted, he and his children would be homeless. He also complained of the fact that the Ministry had not issued a decision on his appeal.

III. PROCEEDINGS BEFORE THE CHAMBER

5. The application was introduced on 21 September 1998 and registered on the same day.

6. On 6 October 1998, the President of the Panel refused the request for a provisional measure.

7. On 26 January 1999, the Registry wrote to the applicant, requesting him to inform the Chamber whether he wished to proceed with his application before it. His reply was requested by 23 February 1999. He was informed that if no reply was received, the Chamber would assume that he did not wish to proceed with his application.

8. The Registry has received a certificate of receipt in respect of this letter, dated 2 February 1999 and signed by the applicant. No reply has been received by the Chamber to this letter.

IV. OPINION OF THE CHAMBER

9. According to Article VIII(3) of the Agreement, the Chamber may at any point decide to strike out an application on the ground that (a) the applicant does not intend to pursue his application; (b) the matter has been resolved; or (c) for any other reason established by the Chamber, it is no longer justified to continue the examination of the case. In all these situations, however, a decision to strike out an application must be consistent with the objective of respect for human rights.

10. In the present case the Chamber notes that the applicant has not replied to the letter sent to him by the Chamber. The Chamber has received confirmation that the applicant received the letter from the Chamber dated 26 January 1999. The Chamber also notes that this letter specifically informed the applicant that if he did not reply to it, the Chamber would assume that he did not wish to proceed with his application before it.

11. Accordingly, the Chamber concludes that the applicant does not intend to pursue his application. In these circumstances it is no longer justified to continue the examination of the case and such an outcome would not be inconsistent with the objective of respect for human rights.

V. CONCLUSION

12. For these reasons, the Chamber unanimously,

STRIKES OUT THE APPLICATION.

(signed)
Leif BERG
Registrar of the Chamber

(signed)
Michèle PICARD
President of the First Panel