



DECISION TO STRIKE OUT

CASE No. CH/98/1206

Durađ JOKANOVIĆ

against

THE REPUBLIKA SRPSKA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 9 July 1999 with the following members present:

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

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 Rule 52 of the Chamber's Rules of Procedure:

I. FACTS

1. The applicant occupied a house located at Rajka od Zmijanja 43 (“the house”), Banja Luka, in accordance with a contract he entered into with the owner of it. On 23 April 1998, the Commission for the Accommodation of Refugees and Administration of Abandoned Property (“the Commission”) in Banja Luka ordered him to vacate part of the house within three days under threat of forcible eviction. The purpose of this decision was to accommodate a family of displaced persons in part of the house. The applicant appealed against this decision. On the same day, the Commission issued a conclusion, setting the eviction for 18 September 1998. The applicant appealed against this decision on an unspecified date. The applicant has not informed the Chamber of whether the eviction has been carried out.

II. COMPLAINTS

2. The applicant did not claim any specific violations of his human rights as protected by the Agreement.

III. PROCEEDINGS BEFORE THE CHAMBER

3. The application was introduced on 5 October 1998 and registered on the same day. The applicant requested that the Chamber order a provisional measure to take all necessary action to prevent his eviction from the apartment.

4. On 8 October 1998, the President of the Chamber refused the request for a provisional measure. The applicant was informed of this decision by the Registry in writing on the same day.

5. On 28 October 1998, the proceedings in the case were organised by the Chamber. The application was transmitted to the respondent Party for its observations on the admissibility and merits of the case. No observations were received.

6. On 18 January 1999, the Chamber wrote to the applicant informing him that no observations had been received from the respondent Party and asking him to supply any further observations or claim for further relief he wished to make. The applicant did not reply to this letter.

7. On 18 March 1999, the Registry wrote to the applicant again by registered post. This letter reminded the applicant of the letter of 18 January 1999 and of the fact that no reply had been received to that letter. It also stated that if no reply was received to this second letter within three weeks, the Chamber might decide that he no longer wished to proceed with his application and decide to strike it from its list in accordance with Article VIII(3)(a) or (c) of the Agreement. The Chamber has received a certificate of receipt of this letter, signed by a person with the same family name as the applicant.

IV. OPINION OF THE CHAMBER

8. 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.

9. In the present case the Chamber notes that the applicant has not replied to either of the letters sent to him by the Chamber. The Chamber has received confirmation that the second letter sent to the applicant was received by a person with the same surname as the applicant and residing at his address. The applicant has not been in contact with the Chamber since the date of his lodging his application to the Chamber on 5 October 1998.

10. 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

11. For these reasons, the Chamber, unanimously,

STRIKES OUT THE APPLICATION.

(signed)
Leif BERG
Registrar of the Chamber

(signed)
Giovanni GRASSO
President of the Second Panel