



DECISION TO STRIKE OUT

Case no. CH/98/1384

Branko JAVORIĆ

against

THE REPUBLIKA SRPSKA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 7 May 2003 with the following members present:

Mr. Mato TADIĆ, President
Mr. Jakob MÖLLER
Mr. Mehmed DEKOVIĆ
Mr. Giovanni GRASSO
Mr. Vitimir POPOVIĆ
Mr. Viktor MASENKO-MAVI

Mr. Ulrich GARMS, Registrar
Ms. Olga KAPIĆ, Deputy Registrar
Ms. Antonia DE MEO, 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 case concerns the attempts of the applicant to prevent his eviction from an apartment situated at Prvog maja Street No. 61 in Prijedor, the Republika Srpska.
2. On 5 June 1998, the allocation right holder issued a procedural decision, allocating the above-mentioned apartment to the applicant for his temporary use.

II. COMPLAINTS

3. The applicant alleges violations of his rights as protected by Articles 6 and 8 of the European Convention on Human Rights (the "Convention") and Article 1 of Protocol No. 1 to the Convention.

III. PROCEEDINGS BEFORE THE CHAMBER

4. The application was received and registered by the Chamber on 6 November 1998.
5. 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 apartment in question. The Chamber decided to refuse the provisional measure requested.
6. On 23 March 1999, the applicant's representative wrote to the Chamber informing it that the applicant had been evicted from the apartment in question, but she did not provide his new address.
7. Owing to the lack of contact with the applicant during the four-year period, the Chamber wrote to the applicant's representative, by registered mail, on 14 March 2003, asking her to provide updated information regarding the applicant's case before the Chamber. The letter was returned to the Chamber. According to the note from the Post Office, the applicant's representative has moved and her new address is unknown.
8. The applicant has not informed the Chamber about any new contact address or that he has eventually changed his representative.

IV. OPINION OF THE CHAMBER

9. In accordance with Article VIII(3)(a) 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."
10. According to Rule 46(6) of the Chamber's Rules of Procedures, applicants shall keep the Chamber informed of their change of address.
11. Considering that that the applicant has not informed the Chamber of his current contact address and he has not responded to the letter sent to him, the Chamber can only conclude 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)
Mato TADIĆ
President of the Second Panel