



DECISION TO STRIKE OUT

CASE No. CH/98/1497

Slobodan GOLUBOVIĆ

against

THE REPUBLIKA SRPSKA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 7 July 1999 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. 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 applicant is a citizen of Bosnia and Herzegovina, resident in Prijedor, Republika Srpska. He occupies an apartment located at Save Kovačevića Street No. 15, Prijedor. The applicant was allocated the apartment by a decision of "Ljubija" Company ("the company") dated 11 April 1998. Upon this decision the applicant was supposed to enter into a contract on the use of the apartment with the company, but he has not done so.

2. On 6 November 1998 the Commission for Accommodation of Refugees and Administration of Abandoned Property in Prijedor issued a decision declaring the applicant to be an illegal occupant of the apartment and ordering him to vacate the apartment within three days from the day of receipt of the decision.

II. COMPLAINTS

3. The applicant made no allegations of violations of his human rights provided for by the Agreement.

III. PROCEEDINGS BEFORE THE CHAMBER

4. The application was introduced on 24 November 1998 and registered on the same day. The applicant requested that the Chamber issue a provisional measure to prevent his eviction from the apartment he occupies.

5. On 4 December 1998 the President of the Chamber rejected the request for provisional measure. The applicant was orally informed about the President's decision on the same day.

6. On 23 March 1999 the Registry wrote to the applicant asking him whether he wanted to pursue his application before the Chamber. No reply was received.

7. On 27 May 1999 the Registry sent a registered letter to the applicant reminding him of the letter of 23 March and warning him that in case he did not reply within two weeks from the date of the letter the case would be struck out. The letter was delivered on 1 June 1999. There has been no reply.

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 was asked whether he wanted to pursue his application before the Chamber. After the standard letter has been ignored, the applicant was reminded of his obligation to reply, and was informed that his case might be struck out pursuant to Article VIII(3)(a) or (c) of the Agreement.

10. The Chamber notes that the applicant personally received the letter, and has no reason to doubt that the applicant did not understand the possible consequences of failing to reply to 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

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