



DECISION TO STRIKE OUT

Case no. CH/98/1580

Zoran ČIVČIĆ

against

THE REPUBLIKA SRPSKA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 5 November 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. Anders MÅNSSON, 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, a citizen of Bosnia and Herzegovina, occupied a house located at Patrijarha Arsenija Čarnojeviša 39, Banja Luka. He occupied it in accordance with a contract with the sister of the owner of the house dated 22 July 1993. On 10 September 1993 this contract was certified by the Court of First Instance in Banja Luka.

2. On 24 November 1998 the Commission for the Accommodation of Refugees and the Administration of Abandoned Property in Banja Luka, a department of the Ministry for Refugees and Displaced Persons, ordered the applicant to vacate the house within three days under threat of forcible execution. The applicant states that he has not received any conclusion scheduling the date of his eviction, but that he was orally informed by an official of the Commission that the eviction would be carried out on 27 November 1998.

3. The applicant states that he appealed against the above decision, but has not provided any details or copy of such appeal. He has not informed the Chamber of whether he still occupies the apartment. He has not contacted the Chamber since the date of lodging his application on 26 November 1998.

II. COMPLAINTS

5. The applicant does not make any specific complaints of violations of his rights as protected by the Agreement.

III. PROCEEDINGS BEFORE THE CHAMBER

6. The application was introduced on 26 November 1998 and registered on the same day. The applicant requested the Chamber to order the respondent Party as a provisional measure to take all necessary action to prevent his eviction. On 27 November 1998 the Vice-President of the Chamber made an order for provisional measures in these terms and transmitted the case to the respondent Party for observations.

7. No observations were received from the respondent Party. On 18 January 1999 the Chamber wrote to the applicant, informing him of this fact and asking him to submit his further observations, as well as any claim for compensation or other relief he wished to make. No reply was received to this letter.

8. On 18 March 1999, the Chamber wrote to the applicant by registered post, reminding him that no reply had been received to its letter of 18 January 1999 and enclosing a copy of that letter. He was informed that if he did not reply to this second letter within three weeks, the Chamber might conclude that he no longer wished to proceed with his application and decide to strike it out of its list. No reply was received to this letter. The Chamber received a receipt of delivery in respect of this letter signed by a person residing at the applicant's address.

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. Even though the Chamber is aware that the applicant may not have received the second letter it sent to him (on 18 March 1999), it has been incumbent on him to keep the Chamber informed of any developments in his case, as well as of any change of address. Since the date of lodging his

application on 26 November 1998, the applicant has not been in contact with the Chamber.

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. Moreover, such an outcome would not be inconsistent with the objective of respect for human rights.

V. CONCLUSION

12. For these reasons, the Chamber, unanimously,

REVOKES THE PROVISIONAL ORDER ISSUED ON 27 NOVEMBER 1998; AND

STRIKES OUT THE APPLICATION.

(signed)
Anders MÅNSSON
Registrar of the Chamber

(signed)
Giovanni GRASSO
President of the Second Panel