



DECISION TO STRIKE OUT

Case no. CH/98/687

Ramadan and Besima MOŠINOVIĆ

against

THE REPUBLIKA SRPSKA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 6 April 2000 with the following members present:

Mr. Andrew GROTRIAN, Acting President
Mr. Dietrich RAUSCHNING
Mr. Hasan BALIĆ
Mr. Rona AYBAY
Mr. Želimir JUKA
Mr. Miodrag PAJIĆ

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 Rules 49(2) and 52 of the Chamber's Rules of Procedure:

I. FACTS

1. The applicants, citizens of Bosnia and Herzegovina, are the owners of a house located at Krfska Street no.2 in Banja Luka, from which they were illegally evicted in August 1995. They have sought to regain possession of it by applying to various national and international organisations. They have not informed the Chamber of whether they have regained possession of it.

II. COMPLAINTS

2. The applicants do not complain of any specific violations of their rights as protected by the Agreement. They complain in a general manner of their inability to regain possession of their house.

III. PROCEEDINGS BEFORE THE CHAMBER

3. The application was introduced on 11 June 1998 and registered on the same day. On 30 July 1998 the Chamber wrote to the applicants informing them of the number under which their case had been registered.

4. On 15 September 1999 the Chamber wrote to the applicants requesting certain further information from them. No reply was received to this letter. On 16 December 1999 the Chamber wrote to them again by registered post, asking them to reply to its letter of 15 September 1999 and enclosing a copy of that letter. They were informed that if they did not reply within three weeks, the Chamber might conclude that they no longer wished to proceed with their application and decide to strike it out of its list. On 21 December 1999 the Chamber received a certificate of delivery of this letter, signed by a person residing at the address given by the applicants in their application.

IV. OPINION OF THE CHAMBER

5. 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.

6. The Chamber notes that the applicants have not replied to any of the letters it has sent to them. Although the Chamber has not received confirmation that the applicants have received any of the letters it has sent to them, it has been in any event incumbent on them to keep the Chamber informed of any developments in their case, including changes in address. The applicants have not been in contact with the Chamber since June 1998, the date of their lodging their application to the Chamber.

7. Accordingly, the Chamber concludes that the applicants do not intend to pursue their 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

8. For these reasons, the Chamber, unanimously,

STRIKES OUT THE APPLICATION.

(signed)
Anders MÅNSSON
Registrar of the Chamber

(signed)
Andrew GROTRIAN
Acting President of the First Panel