



DECISION TO STRIKE OUT

CASE No. CH/98/832

Dragan ČAVIĆ

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

I. FACTS

1. The applicant occupies a house located at Matije Gupca 35, Mrkonjić Grad, Republika Srpska. He claimed that he occupied it on the basis of a contract he concluded with the owner of the house. On 13 May 1998, the Commission for the Accommodation of Refugees and the Allocation of Abandoned Property in Mrkonjić Grad ordered that the applicant vacate the house. This decision took effect on 22 May 1998. On 20 May and 15 July 1998, the applicant appealed against this decision to the Ministry for Refugees and Displaced Persons of the Republika Srpska. The eviction was scheduled for 31 July 1998, but was postponed until Tuesday 4 August 1998. The applicant has not informed the Chamber whether or not this eviction was actually carried out.

II. COMPLAINTS

2. The applicant claimed that his eviction from the house would violate his property rights and those of his family.

III. PROCEEDINGS BEFORE THE CHAMBER

3. The application was introduced on 31 July 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 house referred to at paragraph 1 above.

4. On 3 August 1998, the President of the Chamber refused the request for a provisional measure. The applicant was informed of this decision by the Registry by telephone on the same day. On 18 August 1998, the Registry wrote to the applicant confirming the decision of the President in writing. In this letter, he was also asked to inform the Registry whether or not he wished to proceed with his case before the Chamber. A time limit of four weeks from the date of the letter was set for the receipt of such information. No reply has been received from the applicant to date.

5. On 14 January 1999 the Chamber decided to transmit the application to the respondent Party for its observations on the admissibility and merits of the case and to request the respondent Party to provide a new address for the applicant in the event that he had been evicted. The application was so transmitted on 22 January 1999. No observations were received from the respondent Party.

6. On 16 March 1999 the applicant was requested to submit any further observations or claim for compensation that he wished to make. This letter was sent by registered post to the applicant's address as stated in his application. The Chamber has received a certificate of delivery of this letter signed by the applicant. No reply was received to this letter. On 27 May 1999 the Chamber wrote to the applicant again by registered post reminding him that no reply had been received to its letter. This letter also informed him that if no reply was received within three weeks, the Chamber might decide that he no longer wished to pursue his application and strike it from its list. The Chamber has received a certificate of delivery of this letter signed by the applicant. No reply has been received to this letter. The applicant has not been in touch with the Chamber since 3 August 1998.

IV. OPINION OF THE CHAMBER

7. 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.

8. In the present case the Chamber notes that the applicant has not replied to the letters of the Chamber dated 18 August 1998, 16 March and 27 May 1999. He has not been in contact with the Chamber since 3 August 1998. The Chamber has received confirmation that he received its letters of 16 March and 27 May 1999. This second letter specifically informed him that if he did not reply to it, the Chamber might decide to strike his case from its list.

9. 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

10. 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