



DECISION TO STRIKE OUT

CASE No. CH/98/843

Miodrag PROLIĆ

against

THE REPUBLIKA SRPSKA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 14 May 1999 with the following members present:

Ms. Michèle PICARD, President
Mr. Dietrich RAUSCHNING, Vice-President
Mr. Hasan BALIĆ
Mr. Rona AYBAY
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 occupied an apartment located at Jovana Raškovića 5, Banja Luka, Republika Srpska. He claimed that he occupied it on the basis of an occupancy right he was granted on 4 October 1995, which was valid for a period of twelve months. On 22 May 1998, the Commission for the Accommodation of Refugees and the Allocation of Abandoned Property in Banja Luka ordered that the applicant vacate the house. This decision took effect on 25 May 1998. On 17 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 6 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 apartment would violate the right of him and his family to live in the apartment concerned in the application.

III. PROCEEDINGS BEFORE THE CHAMBER

3. The application was introduced on 5 August 1998 and registered on 6 August 1998. The applicant requested that the Chamber order a provisional measure to take all necessary action to prevent his eviction from the apartment referred to at paragraph 1 above.

4. On 6 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 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. The letter stated that if no reply was received within the time limit set, the Chamber would assume that he no longer wished to pursue his application. No reply has been received from the applicant to date.

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. In the present case the Chamber notes that the applicant has not replied to the letter of the Registry of 18 August 1998 referred to at paragraph 4 above. Even assuming that he did not receive the said letter it has been incumbent on him to keep the Chamber informed of any developments in his case as well as of any changes of address. Since 6 August 1998 the applicant has not been in contact with the Chamber.

7. 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

8. 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