



DECISION TO STRIKE OUT

CASE No. CH/98/849

Sveto KNEŽEVIĆ

against

**THE REPUBLIKA SRPSKA
THE FEDERATION OF BOSNIA AND HERZEGOVINA**

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 7 June 1999 with the following members present:

Ms. Michèle PICARD, President
Mr. Hasan BALIĆ
Mr. Dietrich RAUSCHNING
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 and business premises located at Bolanog Dojčina 74(9) in Banja Luka. He occupied them without any legal basis. The owner of the property, a minority returnee to Banja Luka, initiated proceedings before the Court of First Instance in Banja Luka (“the Court”) to have the applicant evicted from the premises. On 9 July 1998, after the proceedings had been concluded, the Court issued a conclusion ordering the applicant’s eviction from the premises. The eviction was set for 10 August 1998. On 22 March 1999, the Chamber received a certificate from the Court that the applicant had been evicted on 25 September 1998 in order to allow the owner, a member of a minority, to regain possession of them.

II. COMPLAINTS

2. The applicant did not claim any specific violations of his human rights.

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 in writing on the same day. On 22 September 1998, the Registry wrote to the applicant and asked him to inform the Registry whether or not he wished to proceed with his case before the Chamber. A time limit of one month 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 might assume that he no longer wished to pursue his application. No reply has been received from the applicant. On 18 March 1999, the Registry wrote to the applicant again by registered post, reminding him that no reply had been received to its earlier letter. He was informed that if no reply was received to this letter within three weeks, the Chamber might decide that he no longer wished to proceed with his application and strike it from its list pursuant to Article VIII(3)(a) or (c) of the Agreement. No reply has been received to this letter. The Chamber has received a certificate of delivery of this letter dated 19 March 1999 and signed by the applicant.

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 either of the letters sent to him by the Chamber. The Chamber has received confirmation that he received the letter it sent to the applicant on 18 March 1999.

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