



DECISION TO STRIKE OUT

Case no. CH/98/970

Branko GRBIĆ

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 occupied a house located at Vojvode Uroša Drenovića 54, Banja Luka. He occupied it in accordance with an authorisation of the owner of the house, dated 18 September 1997, which was stated to be valid until April 1999. The applicant has not provided a copy of any further authorisation or other agreement between the owner of the house and himself extending this agreement.

2. On 8 September 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 on 2 October 1998 he was orally informed by an official of the Commission that the eviction would be carried out on an unspecified date within the next fifteen days.

3. The applicant did not appeal against the decision of the Commission. He has not informed the Chamber of whether he still occupies the apartment. He has not been in contact with the Chamber since October 1998.

II. COMPLAINTS

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

III. PROCEEDINGS BEFORE THE CHAMBER

5. The application was introduced on 18 September 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 25 September 1998 the Vice-President of the Chamber made an order for provisional measures in these terms.

6. On 29 October 1998 the application was transmitted to the respondent Party for observations on the admissibility and merits of the case. No observations were received from the respondent Party within the time-limit set by the Chamber. 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.

7. 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 and with the same surname as the applicant.

8. On 15 September 1999 the Chamber wrote to the applicant again, reminding him of its letters to him on 18 January and 18 March 1999. This letter reiterated that the Chamber might strike his application out of its list. The Chamber received a receipt of delivery in respect of this letter, signed by the same person as received the first letter to the applicant.

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 there is a possibility that the applicant may not have received the letters it sent to him, 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. The applicant has not been in contact with the Chamber since October 1998.

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, decides to

- 1. REVOKE THE PROVISIONAL ORDER ISSUED ON 25 SEPTEMBER 1998; AND**
- 2. STRIKE OUT THE APPLICATION.**

(signed)
Anders MÅNSSON
Registrar of the Chamber

(signed)
Giovanni GRASSO
President of the Second Panel