



DECISION TO STRIKE OUT

Case no. CH/99/1844

Momir ŠARIĆ

against

THE REPUBLIKA SRPSKA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 8 February 2000 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. Vitimir POPOVIĆ
Mr. Mato TADIĆ

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 applicant, a citizen of Bosnia and Herzegovina, occupied a house located at Od Zmijanja Rajka 231, Banja Luka. He moved into the house in 1997, without any legal basis. On 11 December 1998 the Commission for the Accommodation of Refugees and the Administration of Abandoned Property in Banja Luka declared him to be an illegal occupant and ordered him to vacate the house. His eviction was scheduled for 19 February 1999. The applicant has not provided any evidence that he appealed against the decision of the Commission, nor has he informed the Chamber of whether he still occupies the house. He has not contacted the Chamber since lodging his application, one year ago.

II. COMPLAINTS

2. The applicant does not make any complaints of violations of his rights as protected by the Agreement. He has requested that the Chamber order the Commission to allocate the house concerned to him.

III. PROCEEDINGS BEFORE THE CHAMBER

3. The application was introduced on 17 February 1999 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 18 February 1999 the President of the Second Panel refused this request. On the following day the Registry informed the applicant of this in writing and asked him to inform it of whether he wished to proceed with his application. No reply was received to this letter.

4. On 6 October 1999 the Registry wrote to the applicant by registered post, asking him to reply to its letter of 19 February 1999 and enclosing a copy of that letter. He was informed that if he did not reply to this 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. On 8 October 1999 this letter was returned undelivered, with an explanation from the post office that the applicant had moved away.

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. Even though the Chamber is aware that the applicant has not received the letters 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. Since lodging his application on 17 February 1999, he 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. Moreover such an outcome would not seem to 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)
Giovanni GRASSO
President of the Second Panel