



DECISION TO STRIKE OUT

Case no. CH/99/1856

Jovo ČIVČIĆ

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

I. FACTS

1. The applicant, a citizen of Bosnia and Herzegovina, entered an apartment located at Cara Lazara 48, Banja Luka in 1994, without any legal basis. He applied to the holder of the allocation right over the apartment to be granted an occupancy right, but never received any decision. In December 1998 (exact date not supplied) 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 apartment. By a conclusion dated 11 December 1998 the applicant's eviction was scheduled for 22 February 1999.

2. The applicant appealed against the above decision (exact date not supplied). On 3 February 1999 the Ministry refused his appeal as ill-founded as, under the law in force at the time, he was not entitled to be allocated abandoned property. He has not informed the Chamber of whether he still occupies the apartment. He has not contacted the Chamber since the date of lodging his application on 23 February 1999.

II. COMPLAINTS

3. The applicant does not make any specific complaints of violations of his rights as protected by the Agreement. He claims that were he to be evicted, his right to accommodation would be violated.

III. PROCEEDINGS BEFORE THE CHAMBER

4. The application was introduced on 23 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. The applicant was orally informed by the Registry that this request had been refused.

5. On 25 February 1999 the Chamber wrote to the applicant informing him of the number under which his case had been registered. On 4 March 1999 this letter was returned undelivered, with an explanation from the post office that the applicant had moved away.

6. On 19 March 1999 the Chamber wrote to the applicant by registered post, asking him to inform it of whether he had been evicted from the apartment. He was informed that if he did not reply to this letter within two 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 23 March 1999 this letter was returned undelivered, again with an explanation from the post office that the applicant had moved away.

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. Even though the Chamber is aware that the applicant has not received the letters sent to him (on 25 February and 19 March 1999 respectively), 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 23 February 1999, the applicant has not been in contact with the Chamber.

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.

Moreover, 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)
Anders MÅNSSON
Registrar of the Chamber

(signed)
Giovanni GRASSO
President of the Second Panel