



DECISION TO STRIKE OUT

Case no. CH/99/2308

Milorad CVIJANOVIĆ

against

REPUBLIKA SRPSKA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 8 June 2000 with the following members present:

Mr. Viktor MASENKO-MAVI, Acting President
Mr. Jakob MÖLLER
Mr. Mehmed DEKOVIĆ
Mr. Manfred NOWAK
Mr. Vitomir 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, lived in an apartment located at Đenerala Draže 31b/24 in Doboj in the Republika Srpska. He entered into it illegally in 1995 while the occupant, who holds the occupancy right over it, was away on military service. The apartment was subsequently declared abandoned by the relevant municipal authority, and on 24 April 1998 it was allocated to the applicant for use by the Commission for the Accommodation of Refugees and Administration of Abandoned Property in Doboj, a department of the Ministry for Refugees and Displaced Persons. However, on 29 April 1998 the Municipality of Doboj concluded that the apartment had been incorrectly declared abandoned. On 8 October 1998, after proceedings brought by the holder of the occupancy right over the apartment, the Municipality ordered the applicant to vacate it.

2. The applicant's eviction was scheduled for 2 August 1999. He has not informed the Chamber of whether the eviction was carried out on this date nor of whether he still occupies the apartment.

II. COMPLAINTS

3. The applicant complains of a violation of his right to a fair hearing. He also complains of the attempts to evict him from the apartment.

III. PROCEEDINGS BEFORE THE CHAMBER

4. The application was introduced on 30 July 1999 and registered on the same day. The applicant requested that the Chamber order the respondent Party as a provisional measure to take all necessary steps to prevent his eviction from the apartment. On 2 August 1999, the Vice-President of the Panel refused this request. The applicant was informed of this in writing on the following day and was also requested to provide, within one month, certain further information. No reply was received to this letter.

5. On 15 December 1999 the Chamber wrote to the applicant again, by registered post, asking him to reply to its letter of 3 August 1999 and enclosing a copy of that letter. He was informed that if he did not reply 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 18 December 1999 the Chamber received a certificate of delivery of the letter of 15 December 1999, signed by the applicant's wife.

IV. OPINION OF THE CHAMBER

6. 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.

7. The Chamber notes that the applicant has not replied to any of the letters it has sent to him. It has received confirmation that his wife, resident at the same address as him, received its letter of 15 December 1999. This letter specifically informed him that if he did not reply to it the Chamber might decide that he no longer wished to proceed with his application. He has not been in contact with the Chamber since July 1999, ten months ago.

8. 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

9. For these reasons, the Chamber, unanimously,

STRIKES OUT THE APPLICATION.

(signed)
Anders MÅNSSON
Registrar of the Chamber

(signed)
Viktor MASENKO-MAVI
Acting President of the Second Panel