



DECISION TO STRIKE OUT

Case no. CH/98/1798

Milenko RAKIĆ

against

THE REPUBLIKA SRPSKA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel, on 4 February 2003 with the following members present:

Mr. Mato TADIĆ, President
Mr. Jakob MÖLLER
Mr. Mehmed DEKOVIĆ
Mr. Manfred NOWAK
Mr. Vitomir POPOVIĆ
Mr. Viktor MASENKO-MAVI

Mr. Ulrich GARMS, Registrar
Ms. Olga KAPIĆ, Deputy Registrar
Ms. Antonia DE MEO, 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)(a) of the Agreement and Rules 49(2) and 52 of the Chamber's Rules of Procedure:

I. INTRODUCTION

1. The applicant occupied a house in Manastira Gomionice 31, Banja Luka on the basis of an agreement, dated 22 June 1993, with the owner of the house. The agreement on use was of a temporary duration.
2. The applicant claimed that the Ministry for Refugees and Displaced Persons in Banja Luka attempted to vacate him from the property in question in an illegal manner; however, the applicant did not submit any evidence to support this allegation.

II. PROCEEDINGS BEFORE THE CHAMBER

3. The application was received on 24 December 1998 and registered on the same day.
4. On 16 December 1999, the Chamber sent a letter to the respondent Party seeking observations on the effect of the new Article 30 of the Law on Amendments to the Law on Use of Abandoned Property to the present case and whether further attempts would be made to evict the applicant. On 26 January 2000, the respondent Party responded that its relevant organs no longer conduct proceedings under the old law, but rather follow the procedures set out in the new law.
5. On 22 March 2000, the Chamber wrote to the applicant, enclosing a copy of the respondent Party's letter of 26 January 2000. It asked him to state whether, in view of the fact that the proceedings under the old law to evict him have been terminated, he considers the matter resolved.
6. On 17 April 2001, the Chamber sent another letter to the applicant, by registered mail, asking him to reply to its letter of 22 March 2000 and enclosing a copy of that letter. This letter also cautioned the applicant that if he did not reply to it, the Chamber might conclude that he no longer wished to proceed with his application and decide to strike it out. The letter of 17 April 2001 was returned to the Chamber with a note from the post office dated 18 April 2002, stating that the applicant had moved.
7. The applicant has not provided the Chamber with any new contact address.

III. OPINION OF THE CHAMBER

8. In accordance with Article VIII(3) of the Agreement, "the Chamber may decide at any point in its proceedings to suspend consideration of, reject or strike out, an application on the ground that (a) the applicant does not intend to pursue his application; ... provided that such a result is consistent with the objective of respect for human rights."
9. According to Rule 46(6) of the Chamber's Rules of Procedures, applicants shall keep the Chamber informed of their change of address.
10. Considering that the applicant has not informed the Chamber of his current address, and that the Chamber has been unable to reach the applicant at his contact address, the Chamber can only conclude that the applicant does not intend to pursue the application. Furthermore, the Chamber finds no special circumstances regarding respect for human rights which require the examination of the application to be continued. The Chamber therefore decides to strike out the application.

IV. CONCLUSION

11. For these reasons, the Chamber, unanimously,

STRIKES OUT THE APPLICATION.

(signed)
Ulrich GARMS
Registrar of the Chamber

(signed)
Mato TADIĆ
President of the Second Panel