



DECISION TO STRIKE OUT

Case nos. CH/99/2345 and CH/00/6045

Dejan SANTRAČ and Simo ČEGAR

against

THE REPUBLIKA SRPSKA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 2 April 2003 with the following members present:

Ms. Michèle PICARD, President
Mr. Miodrag PAJIĆ, Vice-President
Mr. Dietrich RAUSCHNING
Mr. Hasan BALIĆ
Mr. Rona AYBAY
Mr. Želimir JUKA
Mr. Andrew GROTRIAN

Mr. Ulrich GARMS, Registrar
Ms. Olga KAPIĆ, Deputy Registrar
Ms. Antonia DE MEO, Deputy Registrar

Having considered the aforementioned applications 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 as well as Rules 34, 49(2) and 52 of the Chamber's Rules of Procedure:

I. FACTS AND PROCEEDINGS

A. CH/99/2345 Dejan SANTRAC

1. The application was received and registered by the Chamber on 6 September 1999.
2. This case concerns the attempts of the applicant to prevent his eviction from the apartment located at Ulica Vuka Karadžića no. 17 in Banja Luka, the Republika Srpska.
3. 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 in question until the Supreme Court of the Republika Srpska issues a decision on review.
4. The Chamber decided to refuse the request for a provisional measure. The applicant was informed of this decision on 17 September 1999. At that time, the Chamber asked him if he wanted to proceed with his application under these circumstances, and if so, to provide certain additional information. He was also informed that if he did not reply within one month, the Chamber might conclude that he no longer wished to proceed with his application and decide to strike it out. No reply was received to this letter.
5. On 9 February 2000, the Chamber wrote to the applicant, by registered mail, asking him to reply to its letter of 17 September 1999 and enclosing a copy of that letter. The applicant was cautioned that the Chamber might conclude that he no longer wished to proceed with his application and decide to strike it out, if no answer was received within three weeks. On 11 February 2000, the reminder letter was returned to the Chamber. According to the note from the Post Office, the applicant has moved and his new address is unknown.
6. The applicant did not provide the Chamber with any other address or contact person.

B. CH/00/6045 Simo ČEGAR

7. The application was received and registered by the Chamber on 22 August 2000.
8. The case concerns the attempt of the applicant to prevent his eviction from the apartment located at Ulica Srpskih dobrovoljaca no. 65 in Banja Luka until he regains possession over his property.
9. The applicant requested that the Chamber to order the respondent Party, as a provisional measure, to take all necessary steps to prevent his eviction from the apartment in question until he regains possession over his property in Banja Luka.
10. The Chamber rejected his request for provisional measures. The applicant was informed of this decision on 15 September 2000. At that time, the Chamber asked him if he wanted to proceed with his application under these circumstances, and if so, to provide certain additional information. He was also informed that if he did not reply within one month, the Chamber might conclude that he no longer wished to proceed with his application and decide to strike it out. No reply was received to this letter.
11. On 6 March 2001, the Chamber wrote to the applicant, by registered mail, asking him to reply to its letter of 15 September 2000 and enclosing a copy of that letter. The applicant was cautioned that the Chamber might conclude that he no longer wished to proceed with his application and decide to strike it out, if no answer was received within three weeks. On 16 March 2001, the reminder letter was returned to the Chamber with the notation "moved".
12. The applicant did not provide the Chamber with any other address or contact person.

C. Joinder of applications

13. Considering the similarity between the facts of the cases and the complaints of the applicants, the Chamber decided to join the present applications in accordance with Rule 34 of the Chamber's Rules of Procedure on the same day it adopted the present decision.

IV. OPINION OF THE CHAMBER

14. In accordance with Article VIII(3)(a) 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."

15. According to Rule 46(6) of the Chamber's Rules of Procedures, applicants shall keep the Chamber informed of their change of address.

16. Considering that that the applicants have not informed the Chamber of their current addresses and they have not responded to the letters sent to them, the Chamber can only conclude that the applicants do not intend to pursue their applications. Furthermore, the Chamber finds no special circumstances regarding respect for human rights which require the examination of the applications to be continued. The Chamber therefore decides to strike out the applications.

V. CONCLUSION

17. For these reasons, the Chamber, unanimously,

**JOINS THE APPLICATIONS and
STRIKES OUT THE APPLICATIONS.**

(signed)
Ulrich GARMS
Registrar of the Chamber

(signed)
Michèle PICARD
President of the First Panel