



DECISION TO STRIKE OUT

Case no. CH/98/965

Milisav and Zoran TOŠIĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

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

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

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 Rule 52 of the Chamber's Rules of Procedure:

I. FACTS

1. The applicants are citizens of Bosnia and Herzegovina. They have attempted to regain possession of two houses which they occupied. On 21 May 1998 the first applicant received a decision of the Department for Housing Affairs of the Municipality of Novo Sarajevo, terminating the right of the current temporary occupants to use the houses in question. On 30 July 1998 the second applicant, currently residing in Sweden, received a decision of the same Department which also stated that the right of the temporary occupants was terminated. The responsible authorities have not taken any steps to enforce these decisions, despite the repeated requests of the applicants.

II. COMPLAINTS

2. The applicants complain of the non-enforcement of the above-mentioned decisions.

III. PROCEEDINGS BEFORE THE CHAMBER

3. The application was received and registered by the Chamber on 18 September 1998. On 19 March 1999 the Chamber transmitted the case to the respondent Party for observations on its admissibility and merits.

4. In July 1999 the first applicant submitted a letter to the Chamber requesting that the case be withdrawn, since it was also pending before the Human Rights Ombudsperson of Bosnia and Herzegovina. On 21 July 1999 the Chamber sent a letter to the second applicant, who is represented by the first applicant, requesting confirmation of this request. Neither an answer nor a confirmation that the letter was delivered to the second applicant has been received by the Chamber.

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. The Chamber notes the first applicant's wish that the case be withdrawn. It assumes that the failure of the second applicant to reply is due to the fact that he is represented by the first applicant. Accordingly, the Chamber concludes that the applicants do not intend to pursue their 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

7. For these reasons, the Chamber, unanimously,

STRIKES OUT THE APPLICATION.

(signed)
Anders MÅNSSON
Registrar of the Chamber

(signed)
Michèle PICARD
President of the First Panel