



DECISION TO STRIKE OUT

Case no. CH/99/2479

Mirko ŠKORIĆ

against

THE REPUBLIKA SRPSKA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 5 September 2002 with the following members present:

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

Mr. Ulrich GARMS, 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)(a) of the Agreement as well as Rules 49(2) and 52 of the Chamber's Rules of Procedure:

I. FACTS

1. This case concerns the attempts of the applicant, who is a displaced person from Bosanska Krupa, to prevent his eviction from a house situated in Banja Luka. He entered into possession of the house in question pursuant to the procedural decision of the Ministry for Refugees and Displaced Person in Banja Luka dated 3 July 1997.
2. On 11 May 1999, the Ministry for Refugees and Displaced Persons in Banja Luka issued a procedural decision returning possession of the house to the owner and ordering the applicant to vacate it. The applicant appealed against the mentioned decision on 28 May 1999.
3. On 14 December 1999, the Ministry for Refugees and Displaced Persons in Banja Luka issued a conclusion on permission of enforcement of the procedural decision dated 11 May 1999.

II. COMPLAINTS

4. The applicant complains of a violation of his right to family life and home and “adequate legal protections”.

III. PROCEEDINGS BEFORE THE CHAMBER

5. The application was received and registered by the Chamber on 21 December 1999.
6. 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 house in Banja Luka until he regains possession over his property in Bosanska Krupa or until he obtains alternative accommodation.
7. The Chamber decided to refuse the request for a provisional measure. The applicant was informed of this on 27 December 1999. At that time, the Chamber asked him if he nevertheless 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.
8. On 9 February 2000, the Chamber wrote to the applicant, by registered mail, asking him to reply to its letter of 27 December 1999 and enclosing a copy of that letter. On 20 February 2000, the Chamber received a certificate of delivery of its letter of 9 February 2000, signed by the applicant. No reply was received to this letter.

IV. OPINION OF THE CHAMBER

9. 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.”
10. The Chamber notes that the applicant has not replied to the letters it sent to him. The Chamber further notes that these letters specifically informed the applicant that, if he did not reply, the Chamber would assume that he did not wish to proceed with his application. The Chamber finds 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.

V. CONCLUSION

11. For these reasons, the Chamber, unanimously,

STRIKES OUT THE APPLICATION.

(signed)
Ulrich GARMS
Registrar of the Chamber

(signed)
Michèle PICARD
President of the First Panel