



DECISION TO STRIKE OUT

Case no. CH/01/7131

Radomir MIŠKIĆ

against

THE REPUBLIKA SRPSKA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 6 June 2003 with the following members present:

Ms. Michèle PICARD, President
Mr. Miodrag PAJIĆ, Vice-President
Mr. Dietrich RAUSCHNING
Mr. Hasan BALIĆ
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 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 Rule 52 of the Chamber's Rules of Procedure:

I. FACTS

1. The case concerns attempts of the applicant to prevent his eviction from the working space that he uses professionally, located in Banja Luka, the Republika Srpska.
2. By the contract dated 25 October 1994, the applicant purchased the above-mentioned working space from Mrs. B.M., the wife of the pre-war owner Mr. R.M. Mrs. B.M. received the working space as a gift from Mr. R.M. on 9 August 1994. However, on 5 August 1999, the Commission for Real Property Claims of Displaced Persons and Refugees ("CRPC") issued a decision recognizing Mr. R.M. as the prewar-owner of the working space in question.
3. The applicant lodged a request for review of the decision of 5 August 1999 to the CRPC. On 6 February 2001, the CRPC refused the request for review and confirmed its original decision.
4. On 23 March 2001, the applicant initiated civil proceedings before the Court of First Instance in Banja Luka aimed at obtaining confirmation of the validity of the purchase contract of 25 October 1994. The Chamber has no further information about the proceedings before the Court of First Instance in Banja Luka.
5. The applicant complains of a decision of the Ministry for Refugees and Displaced Persons in Banja Luka dated 9 April 2001 ordering the enforcement of the CRPC decision of 5 August 1999.

II. PROCEEDINGS BEFORE THE CHAMBER

6. The application was received and registered by the Chamber on 2 April 2001.
7. The applicant requested that the Chamber order the respondent Party, as a provisional measure, to take all necessary action to prevent his eviction from the working space in question. On 24 April 2001, the Chamber decided not to order the provisional measure requested.
8. On 28 August 2001, applicant's representative informed the Chamber that the applicant does not want to pursue his application because he is not satisfied with the work of the Chamber.

III. 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 informed it that he does not intend to pursue his 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)
Michèle PICARD
President of the First Panel