



DECISION TO STRIKE OUT

Case no. CH/98/1265

Muhamed FILIPOVIĆ

against

THE REPUBLIKA SRPSKA

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 applicant is a citizen of Bosnia and Herzegovina. He states that he lived in a house until 24 October 1995, when some unknown people forcibly evicted him and his family. On 14 May 1999 the Ministry for Refugees and Displaced Persons decided that the applicant and his family had the ownership right over the house. The applicant has not informed the Chamber whether he has regained possession of the house.

II. COMPLAINTS

2. The applicant complains of violations of his right to peaceful enjoyment of property, private and personal life and correspondence.

III. PROCEEDINGS BEFORE THE CHAMBER

3. The application was received and registered by the Chamber on 27 October 1998.

4. On 12 January 1999 the application was transmitted to the respondent Party for its observations on admissibility and merits. On 14 September 1999 the Chamber sent the observations of the respondent Party (regarding the compensation claims) to the applicant, expecting his answer within four weeks. A reminder was sent on 27 October 1999. However, no answer has been received by the Chamber. The Chamber has received confirmation that the applicant received the letters.

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 that the applicant has not replied to the letters sent to him by the Chamber. The Chamber also 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.

7. Accordingly, the Chamber concludes that the applicant does not intend to pursue his 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

8. 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