



DECISION TO STRIKE OUT

Case no. CH/98/1277

R.P.

against

THE REPUBLIKA SRPSKA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 8 September 1999 with the following members present:

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

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 Rules 49(2) and 52 of the Chamber's Rules of Procedure:

I. FACTS

1. The applicant is a citizen of Bosnia and Herzegovina. He is a displaced person from Drvar, the Federation of Bosnia and Herzegovina, currently resident in Prnjavor. In the night between 15 and 16 September 1996 the applicant had a fight with another person ("the victim"), who died of the injuries the applicant caused him.

2. On 16 September 1996 the applicant was arrested by the police. On 18 September 1996 the investigative judge issued a decision to open investigation. On 13 March 1997 the Public Prosecutor raised an accusation against the applicant. On 20 May 1997 the Municipal Court in Prnjavor ("the court") found the applicant guilty of murder and sentenced him to ten years of prison. The applicant appealed against this decision. On 8 October 1997 the Regional Court in Banja Luka refused the applicant's appeal.

3. The applicant has also appealed against the second instance decision, but does not provide any details of any outcome to this remedy.

4. The applicant is currently serving his sentence in KP Dom in Srbijne.

II. COMPLAINTS

5. The applicant complains of violations of his right to an independent trial, to appoint a lawyer of his own choosing and to question witnesses.

6. The applicant further alleges a violation of his right to life, and that he was forced to give statements under duress. He also alleges that he has suffered a violation of his right to liberty of thought and that there is discrimination between the local population and displaced persons in Prnjavor.

III. PROCEEDINGS BEFORE THE CHAMBER

7. The application was introduced on 29 October 1998 and registered on the same day.

8. On 10 March 1999 the First Panel decided pursuant to Rule 49(3)(a) of the Rules of Procedure to request the applicant to provide certain information as of why he had waited so long to apply to the Chamber and to supply the Chamber with documents relating to the remedy mentioned in paragraph 3 above.

9. On 19 March 1999 the Registry wrote to the applicant requesting the mentioned information. The applicant's reply was due by 2 April 1999. No reply was received.

10. On 23 June 1999 the registry again wrote to the applicant reminding him of the letter of 19 March and informing him that in case he did not reply by 7 July 1999 the Chamber might decide to strike out his case. The letter was sent by registered mail and delivered to the applicant's mother on 24 June 1999. The Registry received no reply to the letter of 23 June.

IV. OPINION OF THE CHAMBER

11. 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.

12. In the present case the Chamber notes that the applicant failed to reply on letters of 19 March and 23 June 1999. The Chamber further notes that the applicant was explicitly warned, in the letter of 23 June 1999, that in case he failed to reply his case might be struck out.

13. 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

14. For these reasons, the Chamber, unanimously,

STRIKES OUT THE APPLICATION.

(signed)
Anders MANSSON
Registrar of the Chamber

(signed)
Michele PICARD
President of the First Panel