



DECISION TO STRIKE OUT

Case no. CH/98/1695

Živko MIKIĆ

against

THE REPUBLIKA SRPSKA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 7 October 1999 with the following members present:

Ms. Michèle 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 Rule 52 of the Chamber’s Rules of Procedure:

I. FACTS

1. The applicant is a citizen of Bosnia and Herzegovina and resides in a house in Dobož, Republika Srpska. He and the owner of the house concluded an oral rental agreement in 1992 and a written one in 1996. The latter was validated by the Municipality of Dobož on 4 April 1996.
2. On 27 November 1998 the Commission for Accommodation of Refugees and Administration of Abandoned Property in Dobož issued a decision ordering the applicant to vacate the house. On 9 December 1998 the Commission authorised the applicant's forcible eviction from the house and scheduled the eviction for 17 December 1998.

II. COMPLAINTS

3. The applicant complains that his rights to respect for his home and to property have been violated.

III. PROCEEDINGS BEFORE THE CHAMBER

4. The application was introduced on 16 December 1998 and registered the same day. The applicant requested that the Chamber order a provisional measure to prevent his eviction.
5. On 16 December 1998 the President of the Chamber ordered, pursuant to Rule 36(2), the respondent Party to take all necessary steps to prevent the applicant's eviction. On 17 December 1998 the Chamber decided to transmit the application to the respondent Party for observations on its admissibility and merits. No observations have been received.
6. On 23 June 1999 the applicant was invited to submit any further observations or any compensation claim he wished to make by 23 July 1999. No such observations were received. On 4 August 1999 the Chamber, by registered mail, reminded the applicant of the letter of 23 June 1999 and informed him that, in case no reply was received by 24 August 1999, the Chamber might decide to strike out the case. The applicant received the letter on 6 August 1999, but has not replied.

IV. OPINION OF THE CHAMBER

7. 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.
8. In the present case the Chamber notes that the applicant failed to reply to the Chamber's letters of 23 June and 4 August 1999. The Chamber further notes that the applicant was explicitly warned, in the second letter, that in case of a failure to reply his case could be struck out.
9. 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

10. 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