



DECISION TO STRIKE OUT

Case no. CH/98/1787

Svetislav STANOJEVIĆ

against

THE REPUBLIKA SRPSKA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 6 April 2000 with the following members present:

Mr. Andrew GROTRIAN, Acting 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 Rules 49(2) and 52 of the Chamber's Rules of Procedure:

I. FACTS

1. The applicant, a citizen of Bosnia and Herzegovina, was appointed to the position of the President of the Supreme Court of the Republika Srpska on 11 August 1992. On 16 June 1998 the National Assembly of the Republika Srpska passed a decision removing him from this position. The applicant filed a “request for protection of legality” to the National Assembly. He has not informed the Chamber of the outcome, if any, of this request. The applicant has not been in contact with the Chamber since lodging his application on 18 December 1998.

II. COMPLAINTS

2. The applicant does not complain of any violations of his human rights as protected by the Agreement. He complains that the decision of the National Assembly removing him from office was not in accordance with the law and Constitution of the Republika Srpska.

III. PROCEEDINGS BEFORE THE CHAMBER

3. The application was introduced on 18 December 1998 and registered on 21 December 1998. On 8 September 1999 the Chamber considered the application and decided to request certain further information from the applicant. A letter in these terms was sent to the applicant on 24 September 1999 and his reply was due within one month. No reply was received to this letter.

4. On 29 December 1999 the Chamber wrote to the applicant again, by registered post, asking him to reply to its letter of 24 September 1999 and enclosing a copy of that letter. He was informed that if he did not reply within three weeks, the Chamber might conclude that he no longer wished to proceed with his application and decide to strike it out of its list. On 4 January 2000 the Chamber received a certificate of delivery of its letter of 29 December 1999, signed by the applicant. No reply has been received to this letter.

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 any of the letters it has sent to him. The Chamber has received confirmation that the applicant received its letter of 29 December 1999, which attached a copy of its letter of 24 September 1999 and specifically informed him that if he did not reply to it within three weeks the Chamber might decide that he no longer wished to proceed with his application before it. The applicant has not been in contact with the Chamber since December 1998, the date of his lodging his application to the Chamber.

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)
Andrew GROTRIAN
Acting President of the First Panel