



DECISION TO STRIKE OUT

CASE No. CH/98/1284

Drago SLADOJEVIĆ

against

THE REPUBLIKA SRPSKA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 9 February 1999 the following members present:

Mr. Giovanni GRASSO, President
Mr. Viktor MASENKO-MAVI, Vice-President
Mr. Vlatko MARKOTIĆ
Mr. Jakob MÉLLER
Mr. Mehmed DEKOVIĆ
Mr. Manfred NOWAK

Mr. Leif BERG, 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)(a) 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, resident in Banja Luka. He previously lived in a house in Pere Krece No, 25 as a sub-tenant. When the owner of the house left Banja Luka he entered into an oral agreement with the applicant, under which the applicant was entitled to occupy it.

2. On 31 January 1994, the applicant entered into a rental agreement relating to the house with the Municipality of Banja Luka. This agreement was for a twelve-month period. On 20 October 1998 the Ministry for Refugees and Displaced Persons (the "Ministry") issued a decision ordering the eviction of the applicant from the house. On 23 October 1998 the applicant appealed against the decision, but the appeal did not suspend the execution. The eviction was scheduled for 4 November 1998.

3. On 3 November the applicant informed the Registry that he had found a compromise with the Ministry and that he had solved his problem. He apparently had found another accommodation, and the Ministry had postponed the eviction until he moved. He stated that he did not want to pursue with the application to the Chamber.

II. COMPLAINT

4. The applicant makes no allegations of violations of his human rights. He complained solely about the eviction.

III. PROCEEDINGS BEFORE THE CHAMBER

5. The application was submitted to the Chamber on 2 November 1998 and registered on the same day. The applicant requested that the Chamber order a provisional measure to take all necessary action to prevent his eviction from the house referred to at paragraph 1 above. This request has not been examined, since the applicant expressed his will not to pursue with the application before the Chamber took any actions.

IV. OPINION OF THE CHAMBER

6. 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.

7. In the present case the Chamber notes that on 3 November 1998, the applicant informed the Registry of the Chamber that he did not wish to pursue his application. He has not been in contact with the Chamber since that date.

8. 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 and such an outcome would not be inconsistent with the objective of respect for human rights.

V. CONCLUSION

9. For these reasons, the Chamber unanimously,

STRIKES OUT THE APPLICATION.

(signed)
Leif BERG
Registrar of the Chamber

(signed)
Giovanni GRASSO
President of the Second Panel)