



DECISION TO STRIKE OUT

CASE No. CH/98/1224

Mirko LATINVIĆ

against

REPUBLIKA SRPSKA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 13 March 1999 with the following members present:

Ms. Michèle PICARD, President
Mr. Dietrich RAUSCHNING
Mr. Hasan BALIĆ
Mr. Želimir JUKA
Mr. Andrew GROTRIAN

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) of the Agreement as well as Rule 52 of the Chamber's Rules of Procedure:

I. FACTS

1. The applicant is the holder of an occupancy right over an apartment located at Franca Prešerna No. 12/1 in Banja Luka. On 19 August 1998, the Secretariat for Housing Affairs of the City of Banja Luka ("the Secretariat") issued a decision authorising the applicant's eviction from the apartment. On 10 September 1998, the Secretariat issued a conclusion ordering the applicant's eviction on 15 September 1998. This conclusion was not executed. On 13 October 1998, police officers came to the applicant's apartment and informed him orally that the eviction would be carried out in two days time, i.e. on 15 October 1998.

II. COMPLAINT

2. The applicant complained of the attempts to evict him from the apartment concerned.

III. PROCEEDINGS BEFORE THE CHAMBER

3. The application was introduced on 14 October 1998 and registered on the same day. Also on the same day, the President issued an order for a provisional measure, preventing the taking of any steps to evict the applicant from the apartment concerned. On 27 October 1998, the proceedings in the case were organised, giving the respondent Party a period of two months to submit its observations on the admissibility and merits of the case. No such observations were received. On 18 January 1999, the applicant was requested to submit his further observations and any compensation claim he wished to make.

4. On 25 January 1999, the Registry received a letter from the applicant. In this letter he states that he has been granted a new occupancy right over the apartment by the relevant authorities and that the eviction proceedings against him have been terminated. He states that this constitutes "satisfaction for what happened".

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. In the present case the Chamber notes that the eviction proceedings against the applicant have been terminated and that he has been granted a new occupancy right over the apartment concerned. In his letter to the Chamber of 25 January 1999, the applicant states that this constitutes "satisfaction for what happened". Accordingly, the Chamber concludes that the matter has been resolved.

7. 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

8. For these reasons, the Chamber unanimously,

STRIKES OUT THE APPLICATION.

(signed)
Leif BERG
Registrar of the Chamber

(signed)
Michèle PICARD
President of the Chamber