



DECISION TO STRIKE OUT

CASE No. CH/98/783

Radovan BABIĆ

against

THE REPUBLIKA SRPSKA

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

Ms. Michèle PICARD, President
Mr. Dietrich RAUSCHNING
Mr. Hasan BALIĆ
Mr. Želimir JUKA
Mr. Miodrag PAJIĆ
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 a citizen of Bosnia and Herzegovina, of undeclared nationality. He occupies an apartment in Marka Lipovca Street No. 107, Banja Luka. On 30 May 1996 he entered into a lease contract with son of the holder of the occupancy right over the apartment.

2. On 24 September 1997 the Commission for the Accommodation of Refugees and Administration of Abandoned Property ("the Commission") issued a decision ordering the applicant to vacate the apartment within three days under threat of forcible eviction, on the basis that he was an illegal occupant.

II. COMPLAINT

3. The applicant complained that his right to home and rights from the contract mentioned in paragraph 1 above would be violated, were he to be evicted.

III. PROCEEDINGS BEFORE THE CHAMBER

4. The application was introduced on 20 July 1998 and registered on the same day. The applicant requested that the Chamber order the respondent Party as a provisional measure to take all necessary action to prevent his eviction.

5. On 20 July 1998 the President of the Chamber ordered, pursuant to Rule 36(2), the respondent Party to take all necessary action to prevent the applicant's eviction.

6. On 4 August 1998 the Panel decided pursuant to Rule 49(3)(b) of the Rules of Procedure to transmit the application to the respondent Party for its observations on admissibility and merits. No observations have been received within the time limit set out in the Order concerning the organisation of proceedings.

7. On 19 October 1998 the applicant was invited to submit any claim for compensation he wished to make. The applicant's reply was due by 19 November 1998. The Registry received no reply. On 25 January 1999 the Registry wrote to the applicant by registered mail, reminding him of the letter of 19 October 1998.

8. On 2 February 1999 the applicant's reply to the letter of 15 January 1999 was received. In that letter the applicant informed the Chamber that the respondent Party gave up his eviction after the Chamber issued the provisional measure in the case, and that now the aim of his application to the Chamber had been achieved.

IV. OPINION OF THE CHAMBER

9. 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.

10. In the present case the Chamber notes that the provisional measure in the case achieved the aim of the applicant which was the suspension of his eviction. The applicant complained only of violations of his human rights that might occur if he was evicted. The applicant's statement can be understood as meaning that the matter has been resolved. Accordingly, Chamber finds no need to further examine the case.

11. Accordingly, the Chamber concludes that the underlying matter which the application concerns has been resolved. 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

12. For these reasons, the Chamber unanimously,

STRIKES OUT THE APPLICATION.

(signed)
Leif BERG
Registrar of the Chamber

(signed)
Michèle PICARD
President of the First Panel