



DECISION TO STRIKE OUT

Case no. CH/98/765

Miroslav TADIĆ

against

THE REPUBLIKA SRPSKA

The Human Rights Chamber for Bosnia and Herzegovina, sitting in plenary session, on 9 May 2002 with the following members present:

Ms. Michèle PICARD, President
Mr. Giovanni GRASSO, Vice-President
Mr. Dietrich RAUSCHNING
Mr. Hasan BALIĆ
Mr. Rona AYBAY
Mr. Želimir JUKA
Mr. Jakob MÖLLER
Mr. Mehmed DEKOVIĆ
Mr. Manfred NOWAK
Mr. Miodrag PAJIĆ
Mr. Vitomir POPOVIĆ
Mr. Viktor MASENKO-MAVI
Mr. Andrew GROTRIAN
Mr. Mato TADIĆ

Mr. Ulrich GARMS, 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)(b) of the Agreement and Rules 49(2) and 52 of the Chamber's Rules of Procedure:

I. INTRODUCTION

1. The application was introduced on 13 July 1998. The applicant requested that the Chamber order the respondent Party, as a provisional measure, to take all necessary action to prevent his eviction from a house which he occupies. On 14 July 1998, the President of the First Panel ordered the provisional measure requested.

2. The applicant complains of a decision of the Ministry for Refugees and Displaced Persons, Commission for Accommodation of Refugees and Management of Abandoned Property in Banja Luka, dated 15 May 1998, ordering his eviction from a house which he occupies. The eviction was ordered pursuant to the Law on the Use of Abandoned Property because the Commission for Accommodation of Refugees and Management of Abandoned Property in Banja Luka allocated it to a third person.

3. By a letter dated 26 January 2000, the Agent of the respondent Party informed the Chamber that since the entry into force, on 11 December 1998, of the Law on Cessation of the Application of the Law on the Use of Abandoned Property (OG RS No. 38/98), the authorities of the respondent Party no longer carried out evictions pursuant to the Law on the Use of Abandoned Property.

II. OPINION OF THE CHAMBER

4. In accordance with Article VIII(3) of the Agreement, “the Chamber may decide at any point in its proceedings to suspend consideration of, reject or strike out, an application on the ground that ... (b) the matter has been resolved; ... provided that such result is consistent with the objective of respect for human rights.”

5. The Chamber finds that there is now no longer any prospect of the applicant’s being evicted under the Law on the Use of Abandoned Property; therefore, the matter raised in the application has been resolved. Furthermore, the Chamber finds no special circumstances regarding respect for human rights which require the examination of the application to be continued. The Chamber therefore decides to strike out the application.

6. It follows that the Chamber further withdraws its order for a provisional measure with immediate effect.

III. CONCLUSION

7. For these reasons, the Chamber, unanimously,

STRIKES OUT THE APPLICATION and

WITHDRAWS ITS ORDER FOR A PROVISIONAL MEASURE WITH IMMEDIATE EFFECT.

(signed)
Ulrich GARMS
Registrar of the Chamber

(signed)
Michèle PICARD
President of the Chamber