



DECISION TO STRIKE OUT

CASE No. CH/98/1197

ČEDOMIR ĐUKIĆ

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 Serb descent. On 8 April 1998 he was allocated an apartment in Mitropolita Petra Zimonjića G-4, Prijedor, Republika Srpska by a decision of the holder of the allocation right.
2. On 30 April 1998 the Commission for the Resettlement of Refugees and the Administration of Abandoned Property in Prijedor ("the Commission") issued a decision declaring the applicant an illegal occupant and ordering him to vacate the apartment within three days. The applicant has not appealed against the decision since he claims it had never been delivered to him.
3. On 28 September 1998 the applicant was invited to appear before the Commission which he did on 30 September. There he was delivered the decision mentioned in paragraph 2 above. He was informed that he could be evicted at any time.

II. COMPLAINTS

4. The applicant complains that his right to property and right to home and family life would be violated, were he to be evicted.

III. PROCEEDINGS BEFORE THE CHAMBER

5. The application was introduced to the Chamber on 29 September 1998 and registered on the same day. The applicant requested the Chamber to issue a provisional measure ordering the respondent Party to take all necessary action to prevent his eviction.
6. On 30 September 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.
7. On 28 October 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 Chamber's Order concerning the organisation of the proceedings.
8. On 18 January 1999 the applicant was invited to submit any claim for compensation or other relief he wished to make. The applicant submitted his statement on 25 January 1999.
9. In the course of November 1998 the Registry received certain information from the OSCE Field Officer in Prijedor relating to the case. On 18 January the Chamber transmitted the information to the applicant for his reply. The applicant's reply was received on 25 January 1999.
10. On 4 March 1999 the person who had been allocated the apartment which the applicant occupies requested that the provisional measure in the case be withdrawn. This request was transmitted to the applicant for his observations. The applicant's observations were received on 9 April 1999.
11. On 23 April 1999 the respondent Party informed the Chamber that on 5 April 1999 the Ministry for Refugees and Displaced Persons, Department in Prijedor had issued a decision annulling the decision on allocation of the apartment to the person mentioned in paragraph 10 above, as well as the decision of 30 April 1998 by which the applicant was ordered to vacate the apartment. The respondent Party suggested that the application be struck out. The information was transmitted to the applicant on 5 May 1999 for any further observations. No observations have been received.

IV. OPINION OF THE CHAMBER

12. 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.

13. In the present case the Chamber notes that the Ministry for Refugees and Displaced Persons, Department in Prijedor annulled the decision by which the applicant was declared to be an illegal occupant and ordered to vacate the apartment. Therefore he is no longer threatened with eviction.

14. The Chamber further notes that the applicant complained only of the violations of his human rights that might have occurred if he was evicted. Accordingly, the Chamber finds no need to examine the case further.

15. 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

16. 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