



## **DECISION TO STRIKE OUT**

**Case no. CH/98/481**

**Snežana BOKAN**

**against**

**THE REPUBLIKA SRPSKA**

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 7 February 2003 with the following members present:

Ms. Michèle PICARD, President  
Mr. Miodrag PAJIĆ, Vice-President  
Mr. Dietrich RAUSCHNING  
Mr. Hasan BALIĆ  
Mr. Rona AYBAY  
Mr. Želimir JUKA  
Mr. Andrew GROTRIAN

Mr. Ulrich GARMS, Registrar  
Ms. Olga KAPIĆ, Deputy Registrar  
Ms. Antonia DE MEO, 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. FACTS**

1. The applicant occupies a house situated at Srpskih velikana 203 in Gomjenica, the Republika Srpska.
2. The applicant complains about a procedural decision issued by the Ministry for Refugees and Displaced Persons ("the Ministry") on 23 April 1998 on the basis of the Law on Use of Abandoned Property ordering the applicant to vacate the house in question.

## **II. PROCEEDINGS BEFORE THE CHAMBER**

3. The application was introduced on 30 April 1998. The applicant requested that the Chamber order the respondent Party, as a provisional measure, to take all necessary action to prevent her eviction from a house which she occupies. On 30 April 1998, the President of the First Panel ordered the provisional measure requested.
4. On 4 May 1998, the application was transmitted to the respondent Party along with a request to provide the Chamber with information with regard to the steps taken to comply with the order for a provisional measure.
5. In December 1999, the Chamber sent a letter to the respondent Party seeking observations on the effect of the new Article 30 of the Law on Amendments to the Law on Use of Abandoned Property to the present case and whether further attempts would be made to evict the applicant. On 21 March 2000, the respondent Party responded that its relevant organs no longer conduct proceedings under the old law, but rather follow the procedures set out in the new law.
6. On 13 December 2001, the applicant informed the Chamber that there have not been any new developments in the case.
7. On 11 January 2002, the respondent Party informed the Chamber that the applicant still occupies the house in question, allegedly on the basis of a contract on lease.

## **III. OPINION OF THE CHAMBER**

8. 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 a result is consistent with the objective of respect for human rights."
9. The Chamber notes that Article 30 of the Law on Amendments to the Law on Use of Abandoned Property has the effect of suspending all proceedings under the old law, other than those initiated by persons seeking to regain possession of property. The respondent Party has confirmed that its relevant organs no longer conduct proceedings under the old law. Furthermore, there are no allegations or evidence in the case file that further attempts to evict the applicant have been conducted under the old law. The Chamber therefore considers that there is no prospect of the applicant being evicted from the premises in question under the old law.
10. Considering that there is no prospect that the applicant will be evicted from the property in question under the old law, the Chamber finds that 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 and to withdraw its order for a provisional measure.

**IV. CONCLUSION**

11. 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 First Panel