



DECISION TO STRIKE OUT

Case no. CH/98/1593

Željko LAZIĆ

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)(a) of the Agreement and Rules 49(2) and 52 of the Chamber's Rules of Procedure:

I. INTRODUCTION

1. The application was introduced on 1 December 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 an apartment which he occupied. On 2 December 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 Doboj, dated 20 August 1998, ordering his eviction from the apartment he occupied. 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 Doboj allocated it to a third person.

II. PROCEEDINGS BEFORE THE CHAMBER

3. On 22 March 2000 the Chamber sent a letter to the applicant informing him that all procedural decisions based on the Law on the Use of Abandoned Property had been automatically annulled within the meaning of the amendments of 27 October 1999 to the Law on Cessation of Application of the Law on Abandoned Property. The Chamber further inquired whether the applicant considers his case to be resolved by those amendments.

4. On 11 April 2000 the applicant's representative informed the Chamber that the applicant agrees that his application may be struck out from the Chamber's list.

III. OPINION OF THE CHAMBER

5. 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 (a) the applicant does not intend to pursue his application; ... provided that such a result is consistent with the objective of respect for human rights."

6. The Chamber notes that the applicant's representative has informed it that the applicant agrees that his application may be struck out. 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.

IV. 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)
Michele PICARD
President of the First Panel