



DECISION TO STRIKE OUT

Case no. CH/98/842

Ostoja BAKIĆ

against

THE REPUBLIKA SRPSKA

The Human Rights Chamber for Bosnia and Herzegovina, sitting in the Second Panel on 6 March 2003 with the following members present:

Ms. Mato TADIĆ, President
Mr. Jakob MÖLLER
Mr. Mehmed DEKOVIĆ
Mr. Giovanni GRASSO
Mr. Manfred NOWAK
Mr. Vitomir POPOVIĆ
Mr. Viktor MASENKO-MAVI

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. INTRODUCTION

1. The application was introduced on 5 August 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 occupied. On 5 August 1998, the President of the Second Panel ordered the provisional measure requested.

2. The applicant complained of a procedural decision of the Ministry for Refugees and Displaced Persons of the Republika Srpska, issued on 3 July 1998, establishing that the applicant illegally occupied the house at Dušana Silnog Street no. 72 in Kozarska Dubica and ordering him to vacate it. The applicant was notified that the eviction would be carried out on 6 August 1998. The applicant referred to a statement signed by him and the owner of the house before a notary public in Senj, the Republic of Croatia, according to which the applicant was permitted to occupy the house and to maintain it until the owner decides on the fate of his house.

3. The case was transmitted to the respondent Party on 24 September 1998. The respondent Party submitted written observations on 23 March and 8 June 2000.

4. On 10 April 2000, the respondent Party's observations were transmitted to the applicant. The applicant did not reply to them. On 14 June 2001, the Chamber invited the applicant to inform it about further developments in the case. The applicant was asked to submit the requested information no later than thirty days from the date of the letter and he was cautioned that if he failed to respond, the Chamber might decide to strike out his application. The Chamber received no response from the applicant.

5. On 20 January 2003, the Chamber sent a letter by registered mail to the applicant with the identical contents as its previous letter of 14 June 2001. On 19 February 2003, the applicant responded to the Chamber's inquiry. He stated that he still occupies the house in question, and according to an agreement with the house's owner, he will leave it in February 2003.

II. OPINION OF THE CHAMBER

6. 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."

7. Considering that the applicant has used the house in question according to an agreement with the owner of the house, 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.

III. CONCLUSION

8. 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)
Mato TADIĆ
President of the Second Panel