



DECISION TO STRIKE OUT

CASE No. CH/98/962

Ilija ŠAVIJA

against

THE REPUBLIKA SRPSKA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 15 April 1999 with the following members present:

Mr. Giovanni GRASSO, President
Mr. Viktor MASENKO-MAVI, Vice-President
Mr. Vlatko MARKOTIĆ
Mr. Jakob MÖLLER
Mr. Mehmed DEKOVIĆ
Mr. Vitomir POPOVIĆ

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 Rules 49(2) and 52 of the Chamber’s Rules of Procedure:

I. FACTS

1. The applicant is a displaced person from Glamoč, Federation of Bosnia and Herzegovina. He lives in an apartment in Carice Milice Street No. 21, Banja Luka. On 2 October 1995 the applicant entered into a lease contract with the holder of the occupancy right, M.P., for a twelve month period.
2. On 14 April 1998 the Municipal Court in Banja Luka ("the Court") terminated the contract of M.P. with the relevant housing Company relating to the apartment. The holder of the allocation right requested that the applicant be evicted from the apartment so that it could regain possession of it.
3. On 11 September 1998 the Municipal Secretariat for Housing Affairs issued a decision ordering the applicant's eviction.
4. The applicant submitted a request to the Ministry for Refugees and Displaced Persons ("the Ministry") that he be allocated the apartment, since it had been abandoned by M.P., who had left Banja Luka in 1995.

II. COMPLAINT

5. The applicant complained that his right to housing had been violated and requested the Chamber to make an order for provisional measures to suspend his eviction.

III. PROCEEDINGS BEFORE THE CHAMBER

6. The application was introduced to the Chamber on 18 September 1998 and registered on the same day. The applicant requested that the Chamber order as a provisional measure that the respondent Party take all necessary steps to prevent his eviction from the apartment.
7. On 24 September 1998 the Vice-President of the Chamber refused the request for provisional measure. On the same day the Registry sent a letter to the applicant informing him that the request had been refused. The applicant was asked to inform the Registry whether he wanted to pursue his application before the Chamber. His reply to this letter was due by 24 October 1998. The Registry has not received any reply to this letter.
8. On 16 March 1999 the Registry sent a registered letter to the applicant reminding him of the letter of 24 September 1998 and requesting him to inform the Registry within three weeks whether he wanted to pursue the application.
9. On 24 March 1999 the Registry received the applicant's reply to the letter of 16 March 1999. The applicant stated that on 13 November 1998 the Ministry had issued a decision allocating the apartment to him. He stated further that since then there have been no attempts to evict him from the apartment.

IV. OPINION OF THE CHAMBER

10. 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.
11. In the present case the Chamber notes that the applicant's only complaint related to his possible eviction from the apartment. In his letter of 24 March 1999 the applicant informed the Chamber that he has been allocated the apartment in question by the Ministry and that since then there have been no attempts to evict him from the apartment.

12. 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

13. For these reasons, the Chamber unanimously,

STRIKES OUT THE APPLICATION.

(signed)
Leif BERG
Registrar of the Chamber

(signed)
Giovanni GRASSO
President of the Second Panel