



DECISION TO STRIKE OUT

**CASE Nos. CH/98/969, CH/98/1213, CH/98/1247, CH/98/1249, CH/98/1261,
CH/98/1269, CH/98/1393, CH/98/1489**

**Persa TRNINIĆ, Blažo BULJIĆ, Nenad LOVRIĆ, Mladen MAKSIMOVIĆ, Branko DELIĆ,
Ranko BURSACĆ, Boro POPOVIĆ, Petar ĆETOJEVIĆ**

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 applications 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 applications concern attempts by the authorities of the Republika Srpska to evict the applicants from the properties they occupied. The facts of each application are set out below.

A. CH/98/969 Persa Trninić v. Republika Srpska

2. The applicant occupied an apartment located at Mažara Šoške 11, Prijedor (“the apartment”) in accordance with a decision of the holder of the allocation right over it. This decision did not state for what period it was valid. On 10 June 1998, Commission for the Accommodation of Refugees and Administration of Abandoned Property (“the Commission”) in Prijedor declared the applicant to be an illegal occupant of the apartment and ordered her to vacate it within three days under threat of forcible eviction. On 10 September 1998 the Commission issued a document scheduling the eviction of the applicant for 21 September 1998. The applicant states that the Ministry for Refugees and Displaced Persons (“the Ministry”) orally refused her appeal against the eviction. The applicant has not informed the Chamber of whether she still occupies the apartment.

B. CH/98/1213 Blažo Buljić v. Republika Srpska

3. The applicant occupied an apartment located at the corner of Simeuna Đaka and Zmaj Jovine in Banja Luka in accordance with a decision of the holder of the allocation right. On 28 April 1998, the Banja Luka Secretariat for Urban Planning and Housing-Communal Affairs ordered the applicant to vacate the apartment within three days. On 11 May 1998, the applicant appealed against this decision to the Ministry for Urbanism, Housing-Communal Affairs, Construction and Environment. He did not receive any decision on this appeal. On 7 October 1998, the applicant appealed to the Supreme Court of the Republika Srpska. He has not informed the Chamber of whether there has been any appeal on this decision to date.

4. On 23 July and 1 October 1998, the Banja Luka Secretariat for Housing Affairs issued conclusions scheduling the applicant’s eviction. He has not informed the Chamber of whether he still occupies the apartment.

C. CH/98/1247 Nenad Lovrić v. Republika Srpska

5. The applicant occupied a house located at K.K. Žrtava 92 in Banja Luka. He occupied it in accordance with a contract he concluded with the owner of the house. On 6 October 1998, the Commission issued a decision declaring the applicant to be an illegal occupant of the house and ordering him to vacate it within three days under threat of forcible eviction. On 9 October 1998 the applicant appealed to the Ministry against this decision. He stated that this appeal was refused. The applicant has not informed the Chamber of whether he still occupies the house.

D. CH/98/1249 Mladen Maksimović v. Republika Srpska

6. The applicant occupied part of a house located at Miloša Obilića 5 in Banja Luka. He occupied it in accordance with a contract he concluded with the owner of the house. In 1995, the applicant was evicted from the top floor of the house, which he had previously occupied. Soon afterwards, he concluded an agreement with the heirs of the owner of the house, which entitled him to occupy the ground floor, which he duly did. On 21 October 1998, the Commission declared the applicant to be an illegal occupant of the apartment and ordered him to vacate it within three days under threat of forcible eviction. The applicant has not informed the Chamber of whether he initiated any proceedings against the decision of the Commission nor of whether he still occupies the ground floor of the house.

E. CH/98/1261 Branko Delić v. Republika Srpska

7. The applicant occupied an apartment located at A.G. Matuša in Banja Luka. On 22 October 1997, the Municipal Court in Banja Luka confirmed the occupancy right of the previous occupant of the apartment. On 25 May 1998, the applicant's appeal against this decision was refused by the Regional Court in Banja Luka. On 18 September 1998, the Municipal Court authorised the applicant's eviction from the apartment. On 15 October 1998, the applicant's appeal against this decision was refused. On 23 October 1998, he appealed to the Regional Court in Banja Luka against this decision. The Chamber has not been informed of whether there has been any decision on this appeal. The applicant has not informed the Chamber of whether he still occupies the apartment.

F. CH/98/1269 Ranko Bursać v. Republika Srpska

8. The applicant occupied an apartment located at Nikole Pašića 15 in Prijedor. He had no legal right to occupy the apartment. He occupied it with the consent of the occupancy right holder, who had left Bosnia. In late October 1998, the applicant was apparently orally informed that he would be evicted from the apartment on 2 November 1998. The applicant has not informed the Chamber of whether he initiated any proceedings against the decision of the Commission nor of whether he still occupies the apartment.

G. CH/98/1393 Boro Popović v. Republika Srpska

9. The applicant occupied an apartment located at Braće Alagića 129A in Banja Luka. On 14 October 1994, he was granted a decision by the Banja Luka Municipal Sector for Property Affairs entitling him to occupy the apartment for a one-year period.

10. On 8 September 1998, the Commission declared the applicant to be an illegal occupant of the apartment and ordered him to vacate it within three days under threat of forcible eviction. The applicant informed the Chamber that his appeal against this decision was refused. The applicant has not informed the Chamber of whether he still occupies the apartment.

H. CH/98/1489 Petar Četojević v. Republika Srpska

11. The applicant occupied an apartment located at Vojvode Prijezde 65 in Banja Luka. On 23 December 1993, he was granted a temporary decision entitling him to occupy the apartment. This decision was made by a company which was not the holder of the allocation right over the apartment. The holder of that right is the Municipality of Banja Luka.

12. On 5 November 1998, the Commission declared the applicant to be an illegal occupant of the apartment and ordered him to vacate it within three days under threat of forcible eviction. On 10 November 1998 the applicant appealed against this decision. The applicant has not informed the Chamber of the outcome of his appeal of 10 November 1998 or of whether he still occupies the apartment.

II. COMPLAINTS

13. The applicant in Case No. CH/98/969 alleged that her right to respect for her private and family life would be violated were she to be evicted. The applicants in all of the other cases made general unspecified allegations of violations of their human rights.

III. PROCEEDINGS BEFORE THE CHAMBER

14. The applications were introduced and registered between 18 September and 18 November 1998.

15. All of the applicants requested that the Chamber order the respondent Party as a provisional measure to take all necessary steps to prevent their eviction from the properties they occupied.

16. In Case No. CH/98/969, on 21 September 1998 the Chamber ordered the respondent Party as a provisional measure to take all necessary steps to prevent the eviction of the applicant from the apartment concerned in the application.
17. The requests in all of the other applications were refused by the Chamber.
18. Between 19 October 1998 and 26 January 1999 Chamber wrote to the applicants in each of the cases, informing them of the relevant decisions of the Chamber in their cases. In all cases except Case no. CH/98/969, the applicants were informed that their requests for provisional measures had been refused, and requested to inform the Chamber within a specified period of whether they wished to proceed with their applications before it.
19. In Case No. CH/98/969, the applicant was requested on 29 October 1998 to provide certain further information to the Chamber. No replies were received by the Chamber to any of these letters.
20. On 18 January 1999, the Chamber wrote to the applicant in Case No. CH/98/969, requesting her observations on certain information relevant to her case that had been supplied to the Chamber by the OSCE. No reply was received to that letter.
21. Between 16 and 18 March 1999, the Chamber wrote to all except two of the applicants (see paragraph 22 below) again by registered post. In these letters, they were asked to reply to the Chamber's previous letter to them. Copies of the relevant letters were enclosed. The applicants were informed that if they did not reply to this letter, the Chamber might conclude that they no longer wished to proceed with their applications and strike them from its list under Article VIII(3)(a) or (c) of the Agreement. The Registry has received certificates of receipt in respect of all of these letters, signed either by the applicants themselves, by members of their family or household, or by persons residing at their addresses. The Chamber has not received any replies to any of these letters. Neither have any of the applicants been in contact with the Chamber since the dates of their lodging their applications or alternatively as of the last-mentioned dates set out in Section I above.
22. In Case Nos. CH/98/1213 and CH/98/1261, the first letters sent to the applicants were sent by registered post. These letters informed the applicants that if no reply was received, the Chamber might decide that they no longer wished to proceed with their applications. The Registry has received certificates of receipt in respect of both of these letters, signed either by the applicants themselves or by persons residing at their addresses. The Chamber has not received any replies to either of these letters. Neither have either of the applicants been in contact with the Chamber since the dates of their lodging their applications.

IV. OPINION OF THE CHAMBER

23. 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.
24. In the present cases the Chamber notes that none of the applicants has replied to any of the letters sent to them by the Chamber. The Chamber has received confirmation that the applicants or persons closely related to them or residing at their addresses have received the registered letters sent to them by the Chamber. The Chamber notes that these letters specifically informed the applicants that if they did not reply, the Chamber could decide that they no longer wished to proceed with their applications before it and/or to strike out their cases from its list. The Chamber further notes that none of the applicants have been in contact with the Chamber since the dates of lodging their applications to the Chamber.
25. Accordingly, the Chamber concludes that the applicants do not intend to pursue their applications before it. In these circumstances it is no longer justified to continue the examination of

the cases and such an outcome would not be inconsistent with the objective of respect for human rights.

V. CONCLUSION

26. For these reasons, the Chamber, unanimously,

STRIKES OUT THE APPLICATIONS.

(signed)
Leif BERG
Registrar of the Chamber

(signed)
Michèle PICARD
President of the First Panel