



## **DECISION TO STRIKE OUT**

**Cases nos. CH/99/1879, CH/99/1911, CH/99/1913, and CH/99/1931**

**Ljubiša JORGIĆ, M.M., Veselko ČOLIĆ, and Silvana KRČIĆ**

**against**

**THE REPUBLIKA SRPSKA**

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 4 November 1999 with the following members present:

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

Mr. Anders MÅNSSON, 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. In none of the cases have the applicants informed the Chamber whether they still occupy the properties concerned.

### A. Case no. CH/99/1879 Ljubiša Jorgić

2. The applicant occupied an apartment at Đenerala Draže 29/44, Doboj with the permission of the holder of the allocation right over it. This decision stated that it was valid for “repeatedly applicable” periods of 60 days. The Commission for the Accommodation of Refugees and Administration of Abandoned Property (“the Commission”) in Doboj sought the applicant’s eviction on a number of occasions, the last of which was 2 March 1999.

### B. Case no. CH/99/1911 M.M.

3. The applicant occupied an apartment at Karađorđeva 38 in Banja Luka without any legal basis. On 17 November 1998, the relevant organ of Banja Luka Municipality ordered the applicant to vacate the apartment. His appeal against this decision was rejected. His eviction was scheduled for 3 May 1999.

### C. Case no. CH/99/1913 Veselko Čolić

4. The applicant occupied an apartment at Save Ljuboje 2 in Banja Luka in accordance with a decision of the Banja Luka Commission. On 14 December 1998 the Ministry for Refugees and Displaced Persons annulled this decision. The relevant organ of Banja Luka Municipality set the applicant’s eviction for 4 May 1999.

### D. Case no. CH/99/1931 Silvana Krčić

5. The applicant occupied business premises at Cara Lazara 2 in Čelinac in accordance with a contract she concluded with the owner which expired in February 1999. Her request to renew it was refused by the owner. Her eviction was scheduled for 28 May 1999.

## II. COMPLAINTS

6. The applicant in case no. CH/99/1931 alleged that her rights as guaranteed by Articles 6, 13 and 14 of the European Convention on Human Rights would be violated if she were to be evicted. The applicants in the other cases made general unspecified allegations of violations of their human rights.

## III. PROCEEDINGS BEFORE THE CHAMBER

7. The applications were introduced and registered between 19 March and 27 May 1999.

8. 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. All of the requests were refused.

9. Between 23 March and 2 June 1999 the Chamber wrote to the applicants or their representatives, informing them of the refusal of their requests. No replies were received by the Chamber to any of these letters.

10. Between 24 May and 9 August 1999 the Chamber wrote to all of the applicants or their representatives again by registered post, asking them to reply to the Chamber’s previous letter to

them. They 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 out of 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, their representatives or by members of their family. The Chamber has not received any replies to any of these letters, nor have any of the applicants been in contact with the Chamber since they lodged their applications.

11. On 4 November 1999 the Chamber decided to join the applications.

#### **IV. OPINION OF THE CHAMBER**

12. 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.

13. In the present cases the Chamber notes that it has not received any replies to any of its letters. It has received confirmation that the applicants, their representatives or members of their families have received the registered letters sent to them by the Chamber. The Chamber notes that these letters specifically informed the recipients that if they did not reply, the Chamber could decide to strike the cases out of its list. The Chamber further notes that none of the applicants or their representatives has been in contact with the Chamber since the dates of lodging their applications to the Chamber.

14. Accordingly, the Chamber concludes that the applicants do not intend to pursue their applications. In these circumstances it is no longer justified to continue the examination of the cases. Moreover, such an outcome would not be inconsistent with the objective of respect for human rights.

#### **V. CONCLUSION**

15. For these reasons, the Chamber, unanimously,

**JOINS THE APPLICATIONS AND  
STRIKES OUT THE APPLICATIONS.**

(signed)  
Anders MÅNSSON  
Registrar of the Chamber

(signed)  
Michèle PICARD  
President of the First Panel