



DECISION TO STRIKE OUT

Case no. CH/99/2151

Alma MEHIĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 7 October 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 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 resided in Sarajevo before and during the war. She lived as subtenant in a suburb near the Sarajevo airport. In 1996 she moved into the disputed apartment in no. 3 Envera Šehovića Street, also as a subtenant. The occupancy right holder over this apartment was H. S., to whom the applicant paid a monthly rent, and who died in 1996. The applicant has remained in the apartment and continued to pay a rent to a niece of the deceased H. S.

2. The applicant obtained a procedural decision by the Administration for Housing Affairs of the Canton of Sarajevo dated 13 June 1997 allowing her temporary residence in the apartment in question for one year after the date of the cessation of the state of immediate threat of war (hence as of 23 December 1996). The same decision stated that she would be forcibly evicted if she did not vacate the apartment after the expiry of that time-limit.

3. By a procedural decision of 25 December 1998 the Service for Housing Affairs of the Municipality of Novo Sarajevo ordered the applicant under threat of forcible eviction to vacate the apartment in question within three days. On several occasions thereafter the applicant received eviction notices, the latest one - dated 6 May 1999 - announcing her forcible eviction for 20 May 1999. This eviction was not executed, and there have been no other eviction attempts to date. The applicant still occupies the apartment in question.

II. COMPLAINTS

4. The applicant complained that the threat of eviction violated her right to a home.

III. PROCEEDINGS BEFORE THE CHAMBER

5. The application was submitted on 10 May 1999, and registered on the same day. The applicant requested the Chamber to issue a provisional measure ordering the Federation to postpone her eviction scheduled for 20 May 1999 and to protect her right to live in the apartment.

6. The Chamber considered the application on 14 May 1999 and refused to issue the requested provisional measure.

7. By a letter of 20 May 1999 the Chamber asked the applicant whether, in these circumstances, she wished to pursue her application. The applicant was informed that if she failed to reply within the given time-limit of one month, the Chamber would conclude that she did not intend to pursue her application and would decide to strike out the case. No reply has been received to date.

8. On 17 September 1999 the Chamber's Registry contacted the applicant by telephone. She confirmed the receipt of the letter of 20 May 1999 and informed the Chamber about her present situation (see paragraph 3). She stated that she did not wish to pursue her application.

IV. OPINION OF THE CHAMBER

9. 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.

10. In the present case the Chamber notes that the applicant was informed of the refusal of her request for a provisional measure and was asked whether she wished to pursue her application in these circumstances. She did not reply to the Chamber's letter of 20 May 1999 in which she was warned of the consequences of her failure to reply. Upon request she confirmed orally that she did

not intend to pursue the application.

11. Accordingly, the Chamber concludes that the applicant does not intend to pursue her application. Moreover, it appears that the threats of eviction of which she initially complained have ceased. In these circumstances the Chamber finds that it is no longer justified to continue the examination of the case. Such an outcome would not be inconsistent with the objective of respect for human rights.

V. CONCLUSION

12. For these reasons, the Chamber unanimously,

STRIKES OUT THE APPLICATION.

(signed)
Anders MÅNSSON
Registrar of the Chamber

(signed)
Michèle PICARD
President of the First Panel