



## **DECISION TO STRIKE OUT**

of

**CASE No. CH/97/38**

**THE SOCIAL DEMOCRATIC PARTY OF BOSNIA AND HERZEGOVINA**

against

**Republika Srpska**

The Human Rights Chamber for Bosnia and Herzegovina, sitting on 16 January 1998 with the following members present:

Michèle PICARD, President  
Manfred NOWAK, Vice-President  
Dietrich RAUSCHNING  
Hasan BALIĆ  
Rona AYBAY  
Vlatko MARKOTIĆ  
Želimir JUKA  
Jakob MÖLLER  
Mehmed DEKOVIĆ  
Miodrag PAJIĆ  
Vitimir POPOVIĆ  
Viktor MASENKO-MAVI  
Andrew GROTRIAN

Olga KAPIĆ, Deputy Registrar

**Having considered** the Application by the Social Democratic Party of Bosnia and Herzegovina against the Republika Srpska;

**Takes the following Decision** under Article VIII paragraph 3 of the Human Rights Agreement set out in Annex 6 to the General Framework Agreement for Peace in Bosnia and Herzegovina and Rule 52 of its Rules of Procedure.

## I. THE APPLICATION AND ROCEEDINGS BEFORE THE CHAMBER

1. The applicant is the Social Democratic Party of Bosnia and Herzegovina. It is represented by its President, Dr Zlatko Lagumdžija.

2. By letter dated 2 May 1997 the applicant complained to the Chamber that the authorities of the respondent Party had failed to provide adequate security for a visit to Brčko by a party of its members and supporters on 1 May 1997. It alleged that two buses carrying the party had been attacked and stoned and that the police of the respondent Party had failed to take any action to protect them. It alleged the breach of paragraphs 1, 4 and 13 of Article I of the Human Rights Agreement (hereinafter "the Agreement") set out in Annex 6 to the General Framework Agreement for Peace in Bosnia and Herzegovina. These provisions guarantee the rights to life, liberty and security of person and liberty of movement and residence. The applicant also requested the Chamber to order the respondent Party, as a provisional measure, to allow all citizens travelling through the Republika Srpska the rights referred to in the aforementioned provisions.

3. The Chamber considered the case on 6 June 1997 and decided, pursuant to Rule 49 (3) (a) of its Rules of Procedure, to invite the applicant to submit further information relating to the alleged incident. It also decided not to make any order for provisional measures. The Chamber's request for information was communicated to the applicant's representative by letter dated 13 June 1997. He was requested to submit the information in question before 30 June 1997. By letter dated 24 September 1997 the applicant's representative was informed that the case would be on the Agenda for the Chamber's session beginning on 6 October 1997 and was requested to submit the information in question before 3 October 1997. The Chamber considered the case again on 4 November 1997 and noted that no response to the request for information had been received. It decided to request the applicant to submit the information in question within a two week time-limit and also to inform the applicant that if no response to its request was received it would consider whether to strike the application off its list of cases. This decision was communicated to the applicant's representative by registered letter dated 11 November 1997, confirmed to have been received on 15 November 1997. No response to any of these letters has been received by the Chamber.

## II. DECISION OF THE CHAMBER

4. Article VIII paragraph 3 of the Agreement provides *inter alia* as follows:

"The Chamber may decide at any point in its proceedings to....strike out an application on the ground that (a) the applicant does not intend to pursue his application.....or (c) for any other reason established by the Chamber, it is no longer justified to continue the examination of the application; provided that such result is consistent with the objective of respect for human rights."

5. The Chamber notes that in the present case the applicant has failed to respond to repeated requests for information which is necessary to enable the Chamber to give proper consideration to the case. It concludes that the applicant does not intend to pursue the application. It finds furthermore that it is no longer justified to continue the examination of the application in the absence of the information it requires and that it would not be inconsistent with the objective of respect for human rights to strike the application out of its list.

For these reasons the Chamber decides unanimously,

### **TO STRIKE THIS APPLICATION OUT OF ITS LIST OF CASES**

(signed) Olga KAPIĆ  
Deputy Registrar of the Chamber

(signed) Michèle PICARD  
President of the Chamber