



DECISION TO STRIKE OUT

CASE No. CH/98/1683

Marinko KOPANJA

against

**BOSNIA AND HERZEGOVINA
and
THE REPUBLIKA SRPSKA**

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 7 July 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. 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 citizen of Bosnia and Herzegovina, resident in Banja Luka. On 7 March 1990 he was dismissed by a decision of "City Transport" Working Organization ("the company"). 191 other workers were dismissed at the same time. The applicant states that he was not delivered the decision of 7 March 1990 properly, and therefore he could not seek to avail himself of any remedies against it.

2. On 7 March 1990 the Regional Court in Banja Luka commenced liquidation proceedings in relation to the company. In addition, on 25 June 1990 the Regional Court commenced proceedings to declare the company bankrupt.

3. The applicant has initiated proceedings before the Regional Court requesting compensation for lost salaries. His request was refused. The applicant appealed and on 21 February 1992 the Supreme Court of the Socialist Republic of Bosnia and Herzegovina refused the applicant's appeal. The proceedings concerning the applicant's dismissal were thus completed.

4. The applicant also initiated criminal proceedings against the director of the company. On 28 April 1998 the Municipal Court in Banja Luka held a hearing in this case, in the defendant's absence and found him guilty of abusing his position.

II. COMPLAINTS

5. The applicant complains of a violation of his rights arising from his working relation (i.e. the right to social, health and pension protection) and of the non-compliance with decisions of courts and other competent organs. The applicant also complains of being denied his rights arising from his working relation since the liquidation of the company (i.e. on 21 June 1990) to date.

III. PROCEEDINGS BEFORE THE CHAMBER

6. The application was introduced on 7 December 1998 and registered on the same day. The applicant submitted the application on behalf of himself and his 191 colleagues mentioned in paragraph 1 above. The applicant has not submitted letters of authorisation to represent his colleagues, and therefore the Chamber has considered him to be the sole applicant in the case.

7. On 8 April 1999 the Registry drew the applicant's attention to the Chamber's competence in time, namely that the Chamber cannot examine events which occurred before 14 December 1995, when the Agreement entered into force. The applicant then stated orally that he wanted to withdraw his application. He refused to give this statement in writing.

IV. OPINION OF THE CHAMBER

8. 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.

9. In the present case the Chamber notes that the applicant gave a clear statement before an official of the Chamber to the effect that he wished to withdraw his application. The Chamber has no reason to doubt that this wish was genuine, although it was not confirmed in writing.

10. Accordingly, the Chamber concludes that the applicant does not intend to pursue his application. 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

11. For these reasons, the Chamber unanimously,

STRIKES OUT THE APPLICATION.

(signed)
Leif BERG
Registrar of the Chamber

(signed)
Michèle PICARD
President of the First Panel