



DECISION TO STRIKE OUT

Case no. CH/98/1059

Džemil IBRAHIMVIĆ

against

**THE FEDERATION OF BOSNIA AND HERZEGOVINA
and
THE REPUBLIKA SRPSKA**

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 9 December 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), 52 and 55 of the Chamber's Rules of Procedure:

I. FACTS

1. The applicant is a citizen of Bosnia and Herzegovina. On 17 October 1967 he started to work for the timber processing and woodworking plant "Jadar" in Zvornik. After one year of work he was dismissed without any legal explanation. The applicant initiated court proceedings before the (then) Court of First Instance in Zvornik. On 25 June 1970 the court decided in favour of the applicant and ordered the plant to reinstate the applicant into his previous position or to assign to him another appropriate post. The representative of the plant appealed against this judgment on 12 January 1971. Thereafter (the applicant did not specify the date), the (then) Higher Court in Tuzla accepted the appeal, annulled the first instance judgement and returned the case to the court in Zvornik for a renewal of proceedings. After that the applicant did not receive any decision.

2. Thereafter, the applicant initiated court proceedings against the director of the plant and the president of the Municipality Zvornik with a view to obtaining compensation for damage. In 1991, the court in Zvornik rejected the action as out of time. The applicant appealed this decision and the court in Tuzla issued a decision in 1995 accepting the applicant's appeal and returning the case to the court in Zvornik for a renewal of proceedings. Thereafter, nothing happened. To date the applicant has not received a decision.

II. COMPLAINTS

3. The applicant alleges a violation of his right to work as guaranteed by the International Covenant on Economic, Social and Cultural Rights ("ICESCR").

III. PROCEEDINGS BEFORE THE CHAMBER

4. The application was submitted to the Chamber on 10 November 1998 and registered on the same day. The applicant has also submitted an application against the Republika Srpska to the Office of the Ombudsperson which was registered there under no. 346/97.

5. On 19 October 1999 the Office of the Ombudsperson and the Human Rights Chamber sent a joint letter to the applicant informing him that it is not possible for both institutions to deal with his cases. The applicant was invited to state whether he wished the Ombudsperson or the Chamber to process his application. On 16 November 1999 the applicant submitted a letter stating that he wishes the Office of the Ombudsperson to deal with his application.

IV. OPINION OF THE CHAMBER

6. 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.

7. In the present case the applicant informed the Chamber in writing that he wished the Office of the Ombudsperson to deal with his case. Accordingly, the Chamber concludes that the applicant does not intend to pursue his application before the Chamber. In these circumstances it is no longer justified to continue the examination of the case. Moreover, such an outcome would not be inconsistent with the objective of respect for human rights.

V. CONCLUSION

8. 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