



DECISION ON ADMISSIBILITY AND TO STRIKE OUT

Case nos. CH/02/11915, CH/02/11916 and CH/02/11917

Roxana BUTNARIU, Tatiana GRIGORIEVA and Viorica BUDUROI

against

**THE FEDERATION OF BOSNIA AND HERZEGOVINA and
THE UNITED NATIONS**

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 4 July 2003 with the following members present:

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

Mr. Ulrich GARMS, Registrar
Ms. Olga KAPIĆ, Deputy Registrar
Ms. Antonia DE MEO, 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 Articles VIII(2)(c) and VIII(3)(a) of the Agreement and Rules 34, 49(2) and 52 of the Chamber's Rules of Procedure:

I. FACTS

1. The applicants are women from Romania and Moldova currently living in Vitez. On 8 August 2002, they submitted three essentially identical applications accompanied by a letter in Romanian language. It appears from the submissions made in the national language that all three of them do not have valid travel documents and that they work as prostitutes. Apparently, they have incurred difficulties as regards their residential status in Bosnia and Herzegovina.

II. COMPLAINTS

2. One part of the applicants' complaints is directed, in a rather unspecified way, against their treatment by United Nations officials. However, allegations are also raised against authorities of the Federation of Bosnia and Herzegovina. The applicants request that the Chamber prevent "further disturbance" by granting "provisional measures" and ordering that compensation be paid to them.

III. PROCEEDINGS BEFORE THE CHAMBER

3. The applications were introduced on 8 August 2002.

4. On 12 September 2002, the Chamber sent an identical letter, via registered mail, to all three applicants requesting them to provide more detailed information on whether the authorities of the Federation of Bosnia and Herzegovina have issued any decision regarding their residence status and whether criminal proceedings have been initiated against them. They were also asked to clarify their statements and informed that the United Nations cannot be a respondent Party before the Chamber. Although this letter has been delivered to them, the applicants did not respond to it.

5. Another letter with the same request was delivered to all three applicants on 28 May 2003, according to the registered return receipt. This letter also notified the applicants that if they did not reply within one month, the Chamber might decide to strike out their applications. The Chamber has received no reply.

IV. OPINION OF THE CHAMBER

A. Complaints against the United Nations

6. In accordance with Article VIII(2) of the Agreement, "the Chamber shall decide which applications to accept.... In so doing, the Chamber shall take into account the following criteria: ... (c) The Chamber shall also dismiss any application which it considers incompatible with this Agreement, manifestly ill-founded, or an abuse of the right of petition."

7. With respect to the complaints alleged against the United Nations, the Chamber finds that the applicants' complaints do not concern an interference with their rights under the Agreement by the authorities of any of the signatories to the Agreement, which are Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina, and the Republika Srpska. Moreover, the United Nations is not capable of engaging the responsibility under the Agreement of any of the signatories to the Agreement. It follows that the applications are incompatible *ratione personae* with the provisions of the Agreement, within the meaning of Article VIII(2)(c). The Chamber therefore decides to declare these parts of the applications inadmissible.

B. Remainder of the applications

8. In accordance with Article VIII(3) of the Agreement, "the Chamber may decide at any point in its proceedings to suspend consideration of, reject or strike out, an application on the ground that (a) the applicant does not intend to pursue his application; ... provided that such a result is consistent with the objective of respect for human rights."

9. The Chamber notes that the applicants have not replied to the letters it sent to them. The Chamber further notes that the letters delivered to them on 28 May 2003 specifically cautioned the applicants that if they did not reply, the Chamber might assume that they did not wish to proceed with their applications. Accordingly, the Chamber finds that the applicants do not intend to pursue their applications. Furthermore, the Chamber finds no special circumstances regarding respect for human rights which require the examination of the applications to be continued. The Chamber therefore decides to strike out the remainder of the applications.

V. CONCLUSION

10. For these reasons, the Chamber, unanimously,

JOINS THE APPLICATIONS, DECLARES THE APPLICATIONS INADMISSIBLE IN PART and STRIKES OUT THE REMAINDER OF THE APPLICATIONS.

(signed)
Ulrich GARMS
Registrar of the Chamber

(signed)
Michèle PICARD
President of the First Panel