



## **DECISION TO STRIKE OUT**

**CASE No. CH/98/1238**

**“D.S.”**

**against**

**STATE OF BOSNIA AND HERZEGOVINA,  
THE FEDERATION OF BOSNIA AND HERZEGOVINA  
AND  
THE REPUBLIKA SRPSKA**

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 6 April 2001 with the following members present:

Mr. Giovanni GRASSO, President  
Mr. Viktor MASENKO-MAVI, Vice-President  
Mr. Jakob MÖLLER  
Mr. Mehmed DEKOVIĆ  
Mr. Vitomir POPOVIĆ  
Mr. Mato TADIĆ

Mr. Peter KEMPEES, 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 and Rules 49(2) and 52 of the Chamber’s Rules of Procedure:

**I. INTRODUCTION**

1. The application was introduced on 19 October 1998 and registered on 20 October 1998. The facts of the case are very confusing, and it is not possible for the Chamber to define what the applicant is complaining of. The same matter, it appears, was also submitted by the applicant to the Ombudsperson for Bosnia and Herzegovina.

2. On 19 November 1998 the applicant was requested to decide whether he wants to proceed before the Ombudsperson for Bosnia and Herzegovina or before the Chamber. A reminder was sent on 27 May 1999. The Chamber received no answer to these letters. However, the Chamber received postal confirmation related to the delivery of those letters.

3. On 28 September 2000 the Ombudsperson and the Chamber sent a joint letter to the applicant asking him to state whether he wishes the Ombudsperson or the Chamber to proceed with the case. No answer was received to this letter.

**II. OPINION OF THE CHAMBER**

4. Having regard to Article VIII(3) of the Agreement, the Chamber finds that in view of these circumstances, it is no longer justified to continue the examination of the application. Furthermore, the Chamber finds no special circumstances regarding respect for human rights which require the examination of the application to be continued. It follows that the application must be struck out of the list.

**III. CONCLUSION**

5. For these reasons, the Chamber, unanimously

**STRIKES THE APPLICATION OUT.**

(signed)  
Peter KEMPEES  
Registrar of the Chamber

(signed)  
Giovanni GRASSO  
President of the Second Panel