



DECISION TO STRIKE OUT

Case no. CH/98/1308

A.B.

against

BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 5 October 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(2)(c) of the Agreement and Rule 52 of the Chamber’s Rules of Procedure:

I. FACTS

1. The applicant was an employee of the former Republic Ministry of Justice. In December 1997 a law was passed changing that ministry into the Ministry for Civil Affairs. Shortly after the conversion, the applicant discovered that her wage had been lowered and there was a threat that her job would be terminated.
2. The applicant has pursued her case through the domestic legal system but has not gained any satisfaction.

II. COMPLAINTS

3. The applicant complained of violations of her right to a fair hearing under Article 6 paragraph 1 of the European Convention on Human Rights and her right not to be discriminated against under Article II(2)(b) of the Agreement. The applicant alleged also violations of rights in other international agreements not included in the Appendix to the Agreement.

III. PROCEEDINGS BEFORE THE CHAMBER

4. The application was introduced on 27 November 1998 and registered on the same day.
5. On 5 April 1999 the Chamber received a letter from the applicant, asking that her case be struck out.
6. On 9 July 1999 the Chamber considered the application as part of a group of ten cases, all dealing with the same subject matter. At this time, the Chamber decided to transmit the cases to the respondent Party. In addition, the Chamber refused the applicants' request for provisional measures to protect them from having their jobs terminated.

IV. OPINION OF THE CHAMBER

7. 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 her 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.
8. In this case, the applicant has asked to withdraw her application for "personal reasons." Accordingly, the Chamber concludes that the applicant does not intend to pursue her application with 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

9. For these reasons, the Chamber, unanimously,

STRIKES OUT THE APPLICATION.

(signed)
Anders MÅNSSON
Registrar of the Chamber

(signed)
Michèle PICARD
President of the Chamber