



DECISION TO STRIKE OUT

Case no. CH/98/628

R.P.

against

BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting in plenary session on 8 April 2002 with the following members present:

Ms. Michèle PICARD, President
Mr. Giovanni GRASSO, Vice-President
Mr. Hasan BALIĆ
Mr. Rona AYBAY
Mr. Želimir JUKA
Mr. Jakob MÖLLER
Mr. Mehmed DEKOVIĆ
Mr. Manfred NOWAK
Mr. Miodrag PAJIĆ
Mr. Vitomir POPOVIĆ
Mr. Viktor MASENKO-MAVI
Mr. Mato TADIĆ

Mr. Ulrich GARMS, 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)(a) and (b) of the Agreement and Rule 49(2) of the Chamber’s Rules of Procedure:

I. FACTS

1. The applicant, who is of Serb origin, applied on 6 April 1994 to the Consulate General of Bosnia and Herzegovina in Stuttgart ("the Consulate") to become a citizen of Bosnia and Herzegovina and paid on that occasion a consular fee in the amount of 1,072 DEM. On 2 February 1995 the applicant was granted a passport of Bosnia and Herzegovina but did not receive a certificate of citizenship. As the passport was due to expire the applicant on 13 January 1997 submitted a request to obtain a new passport and paid 230 DEM in fees. On 28 January 1997 the applicant was informed that she needed to pay an additional 1,500 DEM for a certificate of citizenship, a document she was requested to show if she wanted to obtain a new passport.

2. The applicant did not want to pay the fee. She submitted documents to prove her right to citizenship to the Consulate but did not get any response. The applicant then addressed the Embassy of Bosnia and Herzegovina in Bonn where she allegedly was treated rudely because the documents she submitted were issued in the Republika Srpska. On 22 March 1999 the applicant informed the Chamber that she has succeeded in obtaining a valid passport of Bosnia and Herzegovina. She requests the Chamber to order the respondent Party to compensate her the 1,072 DEM paid on 6 April 1994 for consular fees and 230 DEM paid on 13 January 1997 for passport fees. Other than addressing the Consulate and the Embassy the applicant did not try to use any domestic remedies in regard to her complaints.

II. PROCEEDINGS BEFORE THE CHAMBR

3. The application was introduced on 27 April 1998 and registered on 15 May 1998.

4. On 19 February 2002 the Registry sent a letter to the applicant at her address in Germany to ask whether she intends to pursue her case and whether there is any new developments in the case. The letter was returned to the Chamber because the applicant's address was no longer valid.

III. ALLEGED VIOLATIONS

5. The applicant alleges in her application that her right to citizenship was violated and that she has been discriminated against on basis of her ethnic origin.

IV. OPINION OF THE CHAMBER

6. 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; (b) the matter has been resolved; ... provided that such a result is consistent with the objective of respect for human rights."

7. The Chamber notes that the applicant has not informed it about any change of address and that at present it is therefore impossible for the Chamber to contact the applicant. The Chamber finds that it is the duty of the applicant to inform the Chamber of any change of address. Only if she does so she can actively pursue her case. The Chamber concludes from the fact that the applicant has failed to inform it about the new address that she has lost interest in pursuing her application. In addition, the Chamber notes that the main complaint of the application, the attempt of the applicant to obtain the citizenship and a valid passport of Bosnia and Herzegovina has been resolved in the applicant's favour. The applicant in her final submission seemed mostly concerned about the compensation for administrative fees. In light of the above, the Chamber sees no special circumstances regarding respect for human rights which require the examination of the application to be continued. The Chamber therefore decides to strike out the application.

V. CONCLUSION

8. For these reasons, the Chamber, unanimously,

STRIKES OUT THE APPLICATION

(signed)
Ulrich GARMS
Registrar of the Chamber

(signed)
Michèle PICARD
President of the Chamber