



DECISION TO STRIKE OUT

Cases nos. CH/98/648 and CH/98/649

S.K. and D.K.

against

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

The Human Rights Chamber for Bosnia and Herzegovina, sitting in plenary session on 5 October 1999 with the following members present:

Ms. Michèle PICARD, President
Mr. Giovanni GRASSO, Vice-President
Mr. Dietrich RAUSCHNING
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. Andrew GROTRIAN
Mr. Mato TADIĆ

Mr. Anders MÅNSSON, Registrar
Ms. Olga KAPIĆ, 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 Article VIII(3) of the Agreement as well as Rule 52 of the Chamber's Rules of Procedure:

I. FACTS

1. The applicants are brothers and reside in Velika Kladuša in the Una-Sana Canton. On 19 March 1997 they submitted requests for the issuance of passports to the Police Station in Velika Kladuša. On 25 April 1997 they received procedural decisions refusing their requests. They filed appeals with the Ministry of Defence of the Una-Sana Canton in Bihać and the Secretariat for Defence, a department of the Municipality of Velika Kladuša.

2. In May 1997 the applicants reported their cases to the Federation Ombudsmen who approached the Ministry of Defence. The Ministry replied that the applicants wanted to leave the country to escape the compulsory military service. On 14 July 1997 the Ministry rejected the appeals.

3. At the beginning of 1998 the applicants applied again to the Secretariat for Defence, requesting the approval to travel abroad. On 31 March 1998 the Secretariat issued a permit allowing private trips abroad between 31 March 1998 and 31 May 1998.

4. On 2 April 1998 the applicants submitted further requests for the issuance of passports to the Police Station in Velika Kladuša. On 20 April 1998 passports were issued for both applicants, noting dates of issuance of 31 December 1997 and of validity until 31 December 1999. Thereafter, the applicants travelled to Croatia on several occasions without encountering problems at the border.

II. COMPLAINTS

5. The applicants allege violations of their right to freedom of movement.

III. PROCEEDINGS BEFORE THE CHAMBER

6. The applications were introduced on 25 May 1998 and registered on 27 May 1998.

7. The Chamber considered the applications on 11 June 1998 and 15 December 1998. On 12 February 1999 the Chamber transmitted the cases to the respondent Parties. The Federation of Bosnia and Herzegovina submitted observations on 12 April 1999. There was no reply from Bosnia and Herzegovina.

8. The Chamber tried to contact the applicants on 28 June 1999. Their mother informed the Chamber that they did not encounter problems when travelling abroad with their passports. Thus, the matter had been resolved.

9. By a letter of 2 July 1999 the Chamber asked the applicants whether they agreed to their applications being struck out from the Chamber's case-list. The applicants were informed that if they failed to reply within the given time-limit of one month, the Chamber would conclude that they did not intend to pursue their applications and would decide to strike out the cases. No reply has been received to date.

IV. OPINION OF THE CHAMBER

10. 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.

11. In the present cases the Chamber notes that the applicants' mother has stated that the applicants have encountered no problems when travelling abroad with the passports issued by the authorities. She indicated that the matter had been resolved. Thereafter, the applicants did not reply

to the Chamber's letter of 2 July 1999 asking them whether they agreed to their applications being struck out and warning them of the consequences of their failure to reply.

12. Accordingly, the Chamber concludes that the applicants do not intend to pursue their applications. It appears that the matter initially complained of has been resolved. In these circumstances it is no longer justified to continue the examination of the cases. Such an outcome would not be inconsistent with the objective of respect for human rights.

V. CONCLUSION

13. For these reasons, the Chamber, unanimously,

**JOINS APPLICATIONS NOS. CH/98/648 and CH/98/649; AND
STRIKES OUT THE APPLICATIONS.**

(signed)
Anders MÅNSSON
Registrar of the Chamber

(signed)
Michèle PICARD
President of the Chamber