



DECISION ON THE ADMISSIBILITY

CASE No. CH/98/677

Radojka RUTH

against

BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 12 November 1998 with the following members present:

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

Mr. Leif BERG, 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 and in Bosnia and Herzegovina;

Adopts the following decision pursuant to Article VIII(2)(c) of the Agreement and Rules 49(2) and 52 of the Chamber's Rules of Procedure:

I. FACTS

1. The facts of the case, as they appear from the application and the documents, submitted by the applicant, are as follows:
2. The applicant is a citizen of Bosnia and Herzegovina currently residing in Germany. On 21 March 1998 she addressed the General Consulate for Bosnia and Herzegovina in Stuttgart a request to renounce her citizenship of Bosnia and Herzegovina in order to be able to apply for the German citizenship.
3. On 23 March 1998 the applicant was informed that the General Consulate had been ordered by the Ministry for Foreign Affairs to stay all proceedings involving a request to renounce citizenship due to the differences between the former and the new legislation in the field. It is not clear if this letter constitutes a formal decision. The applicant alleges that no remedy was indicated and that she was, therefore, prevented from initiating any appeal proceedings.
4. The applicant refers to a decision of the competent administrative authority in Darmstadt of 28 August 1996, in which she was assured that she would obtain German citizenship as soon as she proves that she has given up the citizenship of Bosnia and Herzegovina.

II. COMPLAINTS

5. The applicant claims that both her right to respect for her home and her right to choose her permanent residence have been violated.

III. PROCEEDINGS BEFORE THE CHAMBER

6. The applicant was introduced and registered on 5 June 1998.

IV. OPINION OF THE CHAMBER

7. Before considering the merits of the case the Chamber must decide whether to accept the case, taking into account the admissibility criteria set out in Article VIII(2) of the Agreement. According to Article VIII(2)(c), the Chamber shall dismiss any application which it considers incompatible with the Agreement.
8. The Chamber recalls that a right to renounce a certain citizenship can be found neither in the European Convention of Human Rights nor in any other international agreement listed in the Appendix to the Human Rights Agreement.
9. It is true that Article 2 of Protocol No. 4 to the European Convention of Human Rights covers the deprivation of the physical possibility for a person to move freely within a country or to leave a country (see, *inter alia*, European Court of Human Rights, *Raimondo v. Italy*, Judgment of 22 February 1994, Series A no. 281-A, p. 19, paragraph 39). However, the present applicant's complaint appears to be limited to the fact that she is prevented from settling permanently in Germany since she cannot obtain German citizenship. She does not complain that she cannot move freely within the territory of Bosnia and Herzegovina or that she would be unable to leave that country. Consequently, the case does not come within the ambit of Article 2 of Protocol No. 4 to the Convention or Article 8 of the Convention.
10. Accordingly, the Chamber decides not to accept the application, it being incompatible *ratione materiae* with the Agreement within the meaning of Article VIII(2)(c) thereof.

V. CONCLUSION

11. For these reasons, the Chamber, unanimously,

DECLARES THE APPLICATION INADMISSIBLE.

(signed)
Leif BERG
Registrar of the Chamber

(signed)
Michèle PICARD
President of the First Panel