



DECISION TO STRIKE OUT

Case no. CH/99/3141

Ramadan SULEJMANOVSKI

against

BOSNIA AND HERZEGOVINA

and

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 7 April 2000 with the following members present:

Mr. Andrew GROTRIAN, Acting President

Mr. Dietrich RAUSCHNING

Mr. Hasan BALIĆ

Mr. Rona AYBAY

Mr. Želimir JUKA

Mr. Miodrag PAJIĆ

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(3) of the Agreement and Rules 49(2) and 52 of the Chamber’s Rules of Procedure:

I. FACTS

1. The applicant was born in the Yugoslav Republic of Macedonia. From 1982, he lived in Čapljina in the then Socialist Republic of Bosnia and Herzegovina. When hostilities broke out, he left Bosnia and Herzegovina for Germany and did not return until 1999. He is currently residing in Jablanica.

2. On 5 July 1999 he submitted a claim to the Ministry of Interior of the Herzegovina-Neretva Canton in Mostar to obtain a late entry in the birth registry in order to obtain a birth certificate, which is a prerequisite for obtaining a passport. On 7 September 1999, the Ministry issued a decision confirming his right to be registered. However, on 15 September 1999, the Municipality of Čapljina issued a decision denying the applicant's claim for registration in the birth registry of the Municipality.

3. On 25 February 2000 the applicant contacted the Chamber stating that he has now been able to register at his current place of residence and that he has received a passport.

II. COMPLAINTS

4. The applicant complained that he was prevented from obtaining a passport.

III. PROCEEDINGS BEFORE THE CHAMBER

5. The application was introduced on 10 November 1999 and registered on the following day.

IV. OPINION OF THE CHAMBER

6. 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.

7. The Chamber notes that the applicant has received a passport and that the matter complained of has been solved. For these reasons, it finds that it is no longer justified to continue the examination of the case. Moreover, such a result would not be inconsistent with the objective of respect for human rights.

V. CONCLUSION

8. For these reasons, the Chamber, unanimously,

STRIKES OUT THE APPLICATION.

(signed)
Anders MÅNSSON
Registrar of the Chamber

(signed)
Andrew GROTRIAN
Acting President of the First Panel