



DECISION ON THE ADMISSIBILITY

DELIVERED IN WRITING ON 22 JULY 1998

in

CASE No. CH/98/120

Sabit TAHIROVIĆ

against

the Federation of Bosnia and Herzegovina

The Human Rights Chamber for Bosnia and Herzegovina, sitting on 16 July 1998 in a Panel composed of the following Members:

Manfred NOWAK, President
Giovanni GRASSO
Vlatko MARKOTIĆ
Jakob MÖLLER
Mehmed DEKOVIĆ
Vitomir POPOVIĆ
Viktor MASENKO-MAVI

Peter KEMPEES, Registrar
Olga KAPIĆ, Deputy Registrar

Having considered the Application by Sabit Tahirović against the Federation of Bosnia and Herzegovina submitted on 6 January 1998 under Article VIII(1) of the Human Rights Agreement to the General Framework Agreement for Peace in Bosnia and Herzegovina (the “Agreement”) and registered on the same day under Case No. CH/98/120;

Adopts the following Decision on the admissibility of the Application under Article VIII (2) of the Agreement.

I. THE FACTS

1. The applicant has been employed as a fireman by the Fire Brigade in Sarajevo since 1980. He is originally from Kosovo in the Federal Republic of Yugoslavia but has lived in Sarajevo since 1963. He is a citizen of Bosnia and Herzegovina.

2. On an unknown date, the applicant was redeployed from the fire station where he had worked for a number of years, the Assembly building in Marijn Dvor, to the station at the Cantonal Court in the Justice Hall.

3. No steps have been taken by the applicant to seek to resolve any outstanding issues before the domestic courts.

II COMPLAINTS

4. The applicant complains that his redeployment and treatment by his superiors constitutes a violation of his human rights. In particular, he claims that he is given less favourable working patterns than other staff at the new location. His attempts to seek to resolve his difficulties with his superiors have not met with any success.

5. The applicant also claims that he has been threatened with dismissal if he complains about the treatment he has received. He also claims that staff from the same town as the Commanding Officer of the Fire Service receive more favourable treatment than other staff.

III PROCEEDINGS BEFORE THE CHAMBER

6. The application was submitted to the Chamber on 6 January 1998. It was registered on the same day. The Registry wrote to the applicant on 24 April 1998 requesting further details regarding any national remedies he may have availed of himself, and also requesting clarification of a number of issues raised in his application to the Chamber. No reply to this letter has been received to date.

7. The Chamber considered the application at its session on 11 June 1998.

IV OPINION OF THE CHAMBER

8. Before considering the merits of the case, the Chamber must decide whether to accept the case taking into account the criteria for admissibility set out in Article VIII(2) of the Agreement.

9. Article VIII(2)(a) of the Agreement requires the Chamber to take into account, in addressing applications before it, whether effective remedies exist and whether the applicant has demonstrated that they have been exhausted.

10. The Chamber notes that the applicant has not sought to avail himself of any legal remedies which are available to him at the national level. Neither has he claimed that those remedies are ineffective. The Chamber is not in possession of any evidence which would lead it to conclude of its own motion that the remedies available to the applicant are ineffective. Accordingly, the Chamber finds that domestic remedies have not been exhausted.

11. Moreover, the application relates to allegations of unfair and unequal treatment of the applicant by his superiors in the Fire Brigade. However, despite the Chamber's request for further information the applicant has failed to substantiate them.

12. Accordingly, the Chamber considers in addition that it should refuse to accept the application on the grounds that it is manifestly ill-founded, in accordance with the terms of Article VIII(2)(c) of the Agreement.

13. For these reasons, the Chamber, unanimously,

DECIDES TO DECLARE THE APPLICATION INADMISSIBLE

(signed) Peter KEMPEES
Registrar of the Chamber

(signed) Manfred NOWAK
President of the Panel