



DECISION ON THE ADMISSIBILITY

CASE No. CH/98/552

Nenad POŽEK

against

BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 15 October 1998 with the following members present:

Mr. Manfred NOWAK, President
Mr. Giovanni GRASSO, Vice-President
Mr. Jakob MÖLLER
Mr. Vlatko MARKOTIĆ
Mr. Mehmed DEKOVIĆ
Mr. Viktor MASENKO-MAVI

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 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 applicant is a central heating technician, resident in Sarajevo. He is currently employed as a security officer by the Bank for Reconstruction and Development of Bosnia and Herzegovina (Banka za obnovu i razvoj BiH d.d., "the Bank"). The Bank is regulated by the Law on Banks (Official Gazette RBiH 2/95). 47% of the share capital is owned by the State of Bosnia and Herzegovina and 53% by private bodies.

2. In August 1996, the applicant requested that he be redeployed within the bank as a boiler fitter. This application was unsuccessful. On 26 November 1996, another person was deployed to work in the Bank as a boiler fitter. On 23 December 1996, the applicant was assigned to work as a boiler fitter, and did so until 19 May 1997, when he was again deployed to work as a security officer. The applicant appealed against these decisions to his employer and to the local labour inspectorate.

3. The applicant has also made unsuccessful appeals or representations to the President of the Finance Union, the State Commission for the Protection of Human Rights, the Ministry of Internal Affairs of the State of Bosnia and Herzegovina, the Federal Labour Inspectorate, the Federal Ministry of Social Policy, Displaced Persons and Refugees and the Ombudsmen of the Federation.

II. COMPLAINTS

4. The applicant complains that his right to work in the field in which he is qualified has been violated. This has resulted in his being discriminated against. Because he is the only person working in the Bank who is not of Muslim faith, attempts are allegedly being made to have him removed from the Bank.

III. PROCEEDINGS BEFORE THE CHAMBER

5. The application was introduced on 18 April 1998 and registered on 14 May 1998. As provided for in Rule 49(2) of the Chamber's Rules of Procedure, the application is being declared inadmissible at once by the Chamber. Accordingly, the application was not transmitted to the respondent Party.

IV. OPINION OF THE CHAMBER

6. 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.

7. The Chamber notes that the applicant has not sought to substantiate his claims that he has been discriminated against in relation to his right to work. A bare allegation without any substantiation does not suffice for an application to be declared admissible.

8. The Chamber does not therefore find it necessary to consider the issue of whether acts of the Bank can be imputed to the State of Bosnia and Herzegovina.

9. Accordingly, the Chamber must refuse to accept the application on the ground that it is manifestly ill-founded, within the meaning of Article VIII(2)(c) of the Agreement.

V. CONCLUSION

10. For these reasons, the Chamber

DECLARES THE APPLICATION INADMISSIBLE.

(signed)
Leif BERG
Registrar of the Chamber

(signed)
Manfred NOWAK
President of the Second Panel