



## **DECISION ON ADMISSIBILITY**

**Case No. CH/98/1115**

**Nikola GRBIĆ**

**against**

**BOSNIA AND HERZEGOVINA**

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 9 February 1999 with the following members present:

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

Mr. Leif BERG, 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) and Article XI of the Agreement as well as Rule 49(2) and Rule 52 of the Chamber's Rules of Procedure:

## **I. THE FACTS**

1. The applicant worked for the publicly owned Company "Hidrogradnja", Sarajevo, in their construction site in Libya from 25 December 1990 to 13 June 1992.
2. From the time the applicant started working in Libya until he returned to Bosnia and Herzegovina he was not paid any salary. He has not been paid his salaries to date.
3. The applicant has never started any court proceedings, or sought to use any other domestic remedies to protect his rights.

## **II. COMPLAINTS**

4. The applicant makes no allegations that any of his rights under the Agreement has been violated.

## **III. PROCEEDINGS BEFORE THE CHAMBER**

5. The application was introduced to the Chamber on 19 August 1998 and registered on the same day.
6. On 25 September 1998 the applicant was asked possibly to provide more information about the domestic remedies used. On 8 October 1998 he informed the Registry that he has not used any domestic remedies.

## **IV. OPINION OF THE CHAMBER**

7. Before considering the merits of the application 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 or which it considers manifestly ill-founded.
8. The Chamber notes that the apparent violations occurred before 14 December 1995, when the General Framework Agreement came into force. In accordance with generally accepted principles of law the Agreement cannot be applied retroactively (Human Rights Chamber Case No. *CH/96/1, Matanović v. Republika Srpska* Decision on Admissibility, Decisions on Admissibility and Merits 1996-1997, page 7).
9. The Chamber notes that the present case raises no issue regarding the applicant's human rights as protected by the Agreement.
10. Accordingly, the Chamber must refuse to accept the application, it being incompatible *ratione temporis* and *ratione materiae* with the Agreement.

## **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