



DECISION ON THE ADMISSIBILITY

CASE No. CH/98/1205

Renata BEKRIĆ

against

THE REPUBLIKA SRPSKA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 13 March 1999 with the following members present:

Ms. Michèle PICARD, President
Mr. Dietrich RAUSCHNING
Mr. Hasan BALIĆ
Mr. Želimir JUKA
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 in Bosnia and Herzegovina;

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

I. FACTS

1. The application concerns certain pension payments due to the applicant's minor daughter, who was born on 23 February 1990. The applicant's husband died on 1 March 1993. Upon his death, his pension was transferred to his and the applicant's daughter. She is entitled to continue to receive pension payments for as long as she is in full-time education.

2. In March 1995 the payments to the applicant's daughter were stopped without explanation. The applicant spoke to officials of the Pension Insurance Fund, who informed her that full payment of all outstanding amounts would be made at the next payment. This did not happen. In August 1997, the applicant was informed that she should submit a written request for all arrears to be paid. The applicant duly did so. The applicant states that she has been informed on numerous occasions that the arrears would be paid, but that this has not been done to date.

II. COMPLAINT

3. The applicant does not complain of any violation of her daughter's rights as protected by the Agreement.

III. PROCEEDINGS BEFORE THE CHAMBER

4. The application was introduced on 5 October 1998 and registered on the same day. The applicant is represented by Mr. Radomir Zvonimir, a pensioner in Banja Luka.

IV. OPINION OF THE CHAMBER

5. 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)(a), the Chamber must consider whether effective remedies exist and whether the applicant has demonstrated that they have been exhausted.

6. The Chamber notes that the applicant has not sought to avail herself of domestic remedies, for example by initiating proceedings on behalf of her daughter before the competent court seeking payment of the pension arrears due. She has not provided any evidence to the Chamber to show that at this stage that the possibility for her to seize a court of the matter would be an ineffective remedy within the meaning of the Agreement. Therefore, she cannot be relieved of her obligation under Article VIII(2)(a) of the Agreement to exhaust such remedies.

7. In view of the above finding, it is not necessary for the Chamber to consider whether the substantive matter at issue in the case, i.e. the right to a pension, is within the scope of the Agreement.

8. Accordingly, the Chamber decides not to accept the application pursuant to Article VIII(2)(a) of the Agreement, as the applicant has not demonstrated that the domestic remedies available to her have been exhausted.

V. CONCLUSION

9. 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