



DECISION ON ADMISSIBILITY

Case no. CH/98/1029

Meho HODŽIĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 7 October 1999 with the following members present:

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

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(2)(a) and 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, a person of Bosniak origin, was an employee of GP "PUT", a state-owned construction company in Sarajevo. By a procedural decision of the company of 18 November 1991, he was placed on a so-called waiting-list due to lack of work. At the end of 1991, he left Sarajevo for Bijelo Polje in Montenegro, his birthplace.

2. By a decision of the director of the company dated 15 April 1996, the applicant's employment was terminated as of 4 May 1992 (thus with retroactive effect). The decision was based on the grounds that the applicant had not reported for work since 4 May 1992 and that he had been on unpaid leave according to the special provisions applicable during the war. The decision further noted that the war-related circumstances which would have excused the applicant's absence had ceased to exist.

3. The applicant appealed against this decision on 6 September 1996, stating that he had not been able to report for work since he had been in Montenegro due to the war. The appeal was rejected as ill-founded by a decision of the Board of Administration of the company dated 19 September 1996. This decision referred to the reasons given in the decision of 15 April 1996. It further stated that, as a result of the war, there was not enough work to employ the applicant.

4. The decision rejecting the applicant's appeal contained no information about possible means of legal redress. The applicant did not bring an action before the labour courts against the termination of his employment.

II. COMPLAINTS

5. The applicant alleges that he was only laid off because he had left for Montenegro. He further alleges that his right to work and the rights following from his employment relation (*inter alia* pension and social security contributions) have been violated.

III. PROCEEDINGS BEFORE THE CHAMBER

6. The application was submitted to the Chamber on 19 October 1998 and registered on the same day.

IV. OPINION OF THE CHAMBER

7. 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)(c), the Chamber shall dismiss any application which it considers incompatible with the Agreement.

8. The Chamber recalls that its jurisdiction extends to the examination of alleged or apparent violations of the European Convention for the Protection of Human Rights and Fundamental Freedoms and of discrimination in the enjoyment of the rights contained in the international agreements listed in the Appendix to the Agreement.

9. The present applicant complains about a violation of his right to work. The International Covenant on Economic, Social and Cultural Rights, which is included in that list, guarantees the right to work and the right to the enjoyment of favourable conditions of work in its Articles 6 and 7. However, the applicant does not explicitly allege discrimination in the enjoyment in his right to work and the rights following from it. Moreover, such discrimination is not apparent from the presented facts. Therefore, the Chamber has no jurisdiction *ratione materiae* to examine the complaint.

10. Accordingly, the Chamber decides not to accept the application it being incompatible *ratione*

materiae with the Agreement within the meaning of Article VIII(2)(c) thereof.

VI. CONCLUSION

11. For these reasons, the Chamber, unanimously,

DECLARES THE APPLICATION INADMISSIBLE.

(signed)
Anders MÅNSSON
Registrar of the Chamber

(signed)
Michèle PICARD
President of the First Panel