



DECISION ON ADMISSIBILITY

Case no. CH/00/4561

Pero STANIĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 4 July 2000 with the following members present:

Mr. Andrew GROTRIAN, Acting President
Mr. Dietrich RAUSCHNING
Mr. Hasan BALIĆ
Mr. Rona AYBAY
Mr. Želimir JUKA
Mr. Miodrag PAJIĆ

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)(c) of the Agreement and Rules 49(2) and 52 of the Chamber’s Rules of Procedure:

I. FACTS

1. The applicant is a citizen of Bosnia and Herzegovina of Croat origin from Zenica. Before 1993 he held leading positions in various enterprises and institutions in Zenica, lastly as the President of the Chamber of Commerce of the Zenica region. According to the applicant, he was forcibly prevented to enter his office rooms since 7 January 1993. On 10 February 1993 the Chamber of Commerce issued a decision declaring his employment relationship terminated on the ground that he had failed to come to work without notifying the Chamber of Commerce of the reasons for his absence. An appeal of the applicant against that decision was unsuccessful.

2. On 26 January 2000 the applicant requested the current President of the Chamber of Commerce of the Zenica region that his employment relationship be renewed. The President of that Chamber answered on 23 March 2000, asking the applicant to submit further documents. The Chamber of Commerce has not yet made a decision.

II. COMPLAINTS

3. The applicant alleges that he was discriminated in his right to work on the ground of his Croat descent.

III. PROCEEDINGS BEFORE THE CHAMBER

4. The application was introduced on 3 April 2000 and registered on 7 April 2000. The applicant is represented by Mr. Emir Čolaković, a lawyer practising in Zenica.

IV. OPINION OF THE CHAMBER

5. Before considering the merits of the case the Chamber must decide whether to accept it, 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.

6. It follows from the Chamber's mandate under the Agreement that it is only competent to examine events which happened after its entry into force or, if they happened before then, constitute a violation continuing after that date. The Chamber notes in this respect that the applicant's dismissal took place in 1993, more than two and a half years before the entry into force of the Agreement. Accordingly, the Chamber is incompetent *ratione temporis* to deal with the applicant's complaints. Even though it is true that the applicant has only recently requested that his employment relationship be renewed, the Chamber notes that these proceedings are not yet concluded and therefore, domestic legal remedies have not been exhausted.

7. Accordingly, the Chamber decides not to accept the application, it being incompatible with the Agreement *ratione temporis* within the meaning of Article VIII(2)(c) of the Agreement.

V. CONCLUSION

8. For these reasons, the Chamber, unanimously,

DECLARES THE APPLICATION INADMISSIBLE.

(signed)
Anders MÅNSSON
Registrar of the Chamber

(signed)
Andrew GROTRIAN
Acting President of the First Panel