



DECISION ON ADMISSIBILITY

Case no. CH/99/2245

Fuad GAŠIĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 11 October 2000 with the following members present:

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

Mr. Peter KEMPEES, 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) of the Agreement and Rules 49(2) and 52 of the Chamber's Rules of Procedure:

I. INTRODUCTION

1. The application was introduced on 26 May 1999 and registered on 2 June 1999.
2. The applicant is a citizen of Bosnia and Herzegovina. He worked for a public company "Orao" in Sarajevo. Its premises are located in Rajlovac, which, during the hostilities, was under the control of Bosnian Serb forces. It moved to an area of Sarajevo under the control of the (then) Army of Bosnia and Herzegovina. After the hostilities, the company regained possession of its premises, which were devastated. The Army of the Federation of Bosnia and Herzegovina now also occupies part of the premises and employs certain of its' pre-war workers. The status of the other workers, including the applicant, is currently unresolved.
3. The applicant alleges violations of various rights of the workers and of the company itself. He claims that the workers, including himself, have been deprived of their rights to work, and to health and social care. He also claims that the rights of the company to manage its property and to be paid for its products have been violated.

II. OPINION OF THE CHAMBER

4. The Chamber has examined the application and notes that the applicant complains that there have been violations of various rights of the workers of Orao and of Orao itself. However none of these rights are as such guaranteed under the European Convention on Human Rights. The applicant does not there allege that there has been any discrimination in the enjoyment of the rights referred to in his application. Therefore, the Chamber has no jurisdiction *ratione materiae* to examine the complaint.
5. Accordingly, the Chamber decides not to accept the application as it is incompatible *ratione materiae* with the Agreement.

III. CONCLUSION

6. For these reasons, the Chamber, unanimously,

DECLARES THE APPLICATION INADMISSIBLE.

(signed)
Peter KEMPEES
Registrar of the Chamber

(signed)
Michèle PICARD
President of the First Panel