



DECISION ON ADMISSIBILITY

Case no. CH/00/4987

Ante BORAS

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 5 July 2002 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. Ulrich GARMS, 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. INTRODUCTION

1. The application was introduced on 29 May 2000.
2. The applicant worked as an employee of the Ministry of Internal Affairs. On 5 March 1992, the Ministry for Internal Affairs issued a procedural decision terminating the applicants employment with the right to retirement pension and dismissal compensation in the amount of the salary achieved within the last five months.
3. Because the applicant was mobilised, he continued to work until 31 December 1993.
4. As the applicant was not paid the dismissal compensation, he started court proceedings.
5. On 24 March 1999, the Supreme Court issued its decision, and held that the Municipal Court Ljubuški and the Cantonal Court Široki Brijeg failed to convert the applicants claim from Yugoslav Dinars into Bosnia and Herzegovinan Dinars and finally into Konvertible Marks.
6. On 7 March 2002, the Chamber asked the applicant to inform the Chamber about the date on which he received the Supreme Court decision and to explain to the Chamber the reasons for his failure to apply to the Chamber within six months from the final decision in his case, as provided in Article VIII(2)(a) of the Agreement.
7. Although the Chamber requested the applicant to reply to the Chamber within two weeks from the receipt of the abovementioned letter, the applicant has not complied with this request as to date.

II. OPINION OF THE CHAMBER

8. In accordance with Article VIII(2) of the Agreement, “the Chamber shall decide which applications to accept ... In so doing, the Chamber shall take into account the following criteria: (a) ... that the application has been filed with the Chamber within six months from such date on which the final decision was taken.”
9. The Chamber notes that the application was lodged on 29 May 2000. It finds that the final decision for the purposes of Article VIII(2)(a) of the Agreement was issued by the Supreme Court on 24 March 1999. This date is more than six months before the date on which the application was filed with the Chamber. Accordingly, the application does not comply with the requirements of Article VIII(2)(a) of the Agreement. The Chamber therefore decides to declare the application inadmissible.

III. CONCLUSION

10. For these reasons, the Chamber, unanimously,

DECLARES THE APPLICATION INADMISSIBLE.

(signed)
Ulrich GARMS
Registrar of the Chamber

(signed)
Michèle PICARD
President of the First Panel