



DECISION ON ADMISSIBILITY

Case no. CH/00/4065

Rasim EMŠO

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 from Kiseljak. He has been employed with the Public Utility Company "Park" in Sarajevo for 25 years as a driver. On 22 September 1998 he was put on a waiting list because apparently his state of health did not permit that he continued to work in his previous position. He was to remain on that list until a suitable new position would be found for him. The applicant states that he has not received any payments from the company since then.

2. According to the applicant, the company on 16 September 1998 advertised the position of its Chief of Security as vacant. The applicant applied, but was not selected. On 4 January 1999 he instituted proceedings before the Municipal Court in Sarajevo against the company, requesting that the result of the job competition be annulled and that his employer be obliged to assign the position to him. The court proceedings are still pending.

II. COMPLAINTS

3. The applicant complains that he has not been selected for the vacant position as Chief of Security of the company and that his present situation violates his right to work.

III. PROCEEDINGS BEFORE THE CHAMBER

4. The application was introduced on 10 February 2000 and registered on the following day.

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. The Chamber notes that the applicant essentially complains that he was not chosen to fill a vacant position within the company he is still employed with. However, the Chamber finds that the outcome of such a selection process is not covered by any of the applicant's rights guaranteed under the Agreement. It therefore cannot order the respondent Party to take action to that end.

7. Accordingly, the Chamber decides not to accept the application, it being incompatible with the Agreement *ratione materiae* 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