



DECISION ON ADMISSIBILITY

Case no. CH/00/4245

Arif SIROTANOVIĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 8 June 2000 with the following members present:

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

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

I. FACTS

1. The applicant, born in 1952, is a citizen of Bosnia and Herzegovina. He used to work as a legal advisor to the Police Department in Breza. On 31 December 1997 his employment relationship was terminated on the ground that he fulfilled the conditions for retirement. The applicant alleges that his retirement was not in accordance with law and a consequence of his investigative efforts into a local corruption affair.

2. On 3 August 1998 the Pension and Disability Insurance Fund in Sarajevo rejected the applicant's claim challenging the amount of his current pension. The Supreme Court confirmed this decision on 18 October 1999.

II. COMPLAINT

3. The applicant alleges that his rights to work and to receive a decent pension were violated by the decision of 31 December 1997.

III. PROCEEDINGS BEFORE THE CHAMBER

4. The application was introduced on 3 March 2000 and registered on the same 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)(a), the Chamber must consider whether effective remedies exist and whether the applicant has demonstrated that they have been exhausted. According to Article VIII(2)(c), the Chamber shall dismiss any application which it considers incompatible with the Agreement.

6. The present applicant alleges a violation of his right to work. The Chamber notes that the applicant has undertaken efforts to challenge the determination of the pension he currently receives. However, he has not initiated proceedings concerning the termination of his employment relationship. As regards the applicant's complaint that he is entitled to receive a higher amount of pension, the Chamber cannot find that it involves a violation of any of his rights protected by the Agreement.

7. Accordingly, the Chamber decides not to accept the application, partly because the applicant has not demonstrated that effective domestic remedies have been exhausted and partly because it is incompatible *ratione materiae* with the Agreement.

V. CONCLUSION

8. 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