



DECISION ON ADMISSIBILITY

Case no. CH/02/12279

Jusuf ARAPČIĆ

against

**BOSNIA AND HERZEGOVINA
and
THE FEDERATION OF BOSNIA AND HERZEGOVINA**

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 5 March 2003 with the following members present:

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

Mr. Ulrich GARMS, Registrar
Ms. Olga KAPIĆ, Deputy Registrar
Ms. Antonia DE MEO, 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. INTRODUCTION

1. The application was introduced on 24 September 2002. The applicant requested that the Chamber order the respondent Party, as a provisional measure, to reinstate him into his work at DD "Fabrika cementa" Lukavac. On 7 February 2003, the Chamber decided not to order the provisional measure requested.

2. The applicant complains of a decision of his former employer terminating his working relations. He alleges violations of his rights to work, income, and social insurance. He also complains of the length of the domestic court proceedings in his case.

II. OPINION OF THE CHAMBER

3. 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: ... (c) The Chamber shall also dismiss any application which it considers incompatible with this Agreement, manifestly ill-founded, or an abuse of the right of petition."

4. The applicant complains of violations of his rights to work, income, and social insurance. These rights, however, are not included among the rights and freedoms guaranteed under the Agreement (case no. CH/02/9500, Šabić, decision on admissibility of 5 September 2002; case no. CH/98/1171, Čuturić, decision on admissibility and merits delivered 8 October 1999, paragraph 38, Decisions August-December 1999). Such rights could be protected under the International Covenant on Economic, Social and Cultural Rights (the "ICESCR"). However, in accordance with Article II(2)(b) of the Agreement, the Chamber only has jurisdiction to consider rights protected under the ICESCR in connection with alleged or apparent discrimination. The applicant has not alleged discrimination, nor do the facts of this case indicate that the applicant has been the victim of discrimination on any of the grounds set forth in Article II(2)(b) of the Agreement. Therefore, the Chamber finds that the application does not disclose any apparent violation of the rights and freedoms guaranteed under the Agreement. It follows that the application is manifestly ill-founded, within the meaning of Article VIII(2)(c) of the Agreement. The Chamber therefore decides to declare the application inadmissible.

III. CONCLUSION

5. 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