



DECISION ON ADMISSIBILITY

Case no. CH/02/9501

Mehmed GOLUB

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 5 September 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) and (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 12 March 2002 and registered the same day.
2. The applicant complains of a decision of the Federal Ministry of Defence terminating his service in the army. The applicant further complains that the Federal Ministry of Defence has failed to pay a contribution toward his unemployment insurance and that, as a result, he cannot receive monetary compensation while unemployed.
3. On 1 September 1997, the applicant entered into a four-year contract for professional military service with the Federal Ministry of Defence. On 11 April 2001, pursuant to a procedural decision of the Federal Ministry of Defence, he was placed on inactive duty for a twelve-month period from 1 February 2001 to 1 February 2002, with continued payment of his salary. Under the procedural decision, if the applicant's contract expired during the prescribed twelve-month period, then the applicant would be terminated (before the expiration of the period).
4. On 6 September 2001, the Federal Ministry of Defence issued a procedural decision terminating the applicant's professional military service effective 1 September 2001, because his four-year contract had expired. On 5 November 2001, the applicant lodged an objection against this procedural decision. In his objection, the applicant complained that a contribution for his unemployment insurance had not been paid, thus preventing him from collecting monetary compensation while unemployed. According to a procedural decision of 5 November 2001 of the Employment Service of Zenica-Doboj Canton, the applicant has no right to monetary compensation during his unemployment because the contribution for unemployment insurance has not been paid.
5. Based on these facts, the applicant alleges that his rights to work, salary, and pension insurance have been violated.

II. OPINION OF THE CHAMBER

6. 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) Whether effective remedies exist, and the applicant has demonstrated that they have been exhausted."

...

"(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."

7. The Chamber notes that the applicant complains that there has been an interference with his rights to work, salary, and pension insurance. However, these rights are not included among the rights and freedoms guaranteed under the European Convention on Human Rights. It follows that the application is incompatible *ratione materiae* with the provisions of the Agreement, within the meaning of Article VIII(2)(c). The Chamber therefore decides to declare the application inadmissible with regard to the alleged violations of the applicant's right to work and salary.
8. With regard to the payments of contributions for unemployment insurance by his former employer, the Chamber notes that the applicant failed to initiate court proceedings. The applicant has not shown that this remedy was ineffective, and it does not appear so to the Chamber. Accordingly, the Chamber finds that the applicant has not, as required by Article VIII(2)(a) of the Agreement, exhausted effective remedies. The Chamber therefore decides to declare the application inadmissible with regard to the alleged violations of the applicant's right to pension insurance.

III. CONCLUSION

9. 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