



DECISION ON ADMISSIBILITY

Case no. CH/98/1054

Ljubomir VUKOVIĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 9 December 1999 with the following members present:

Mr. Giovanni GRASSO, President
Mr. Viktor MASENKO-MAVI, Vice President
Mr. Jakob MÖLLER
Mr. Mehmed DEKOVIĆ
Mr. Manfred NOWAK
Mr. Vitomir POPOVIĆ
Mr. Mato TADIĆ

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) of the Agreement and Rules 49(2) and 52 of the Chamber's Rules of Procedure:

I. FACTS

1. The applicant is a former employee of the Public Post, Telephone and Telegraph Communications Company of Bosnia and Herzegovina (the "PTT") in Sarajevo. In 1992 the applicant was placed on the "waiting list" of the PTT, meaning that the company did not desire him to come to work but that he had to report to the company every 15 days to check on his employment status.

2. Sometime prior to the end of 1994, his wife left for Croatia to receive medical treatment. In December of 1994, the applicant travelled to Croatia to visit his wife, after receiving the proper travel authorisation. After approximately 20 days the applicant called to check on his employment status. At that time the applicant was told that his employment had been terminated because he had failed to report to the company after the usual 15 day interval.

3. Because of the war in Bosnia and Herzegovina, the applicant did not return to Bosnia and Herzegovina until after the General Framework Agreement for Peace in Bosnia and Herzegovina was signed. Subsequently, he filed an objection to his employment termination with the Administration Office of the PTT dated 3 June 1996. Apparently he never received a decision to this objection.

4. After applying for another job with the PTT, the applicant received a letter on 11 August 1997 from the PTT stating that it had not selected him to be hired. The applicant appealed this decision with the PTT as allowed for by law. On 9 September 1997 the PPT rejected his appeal. The applicant was permitted to appeal this decision within 15 days of his receipt of the decision.

5. On 22 October 1997 the applicant appealed this decision to the First Instance Court II in Sarajevo. On 13 April 1998 this appeal was rejected because the court found that the applicant had received the previous decision on 22 September 1997 and had therefore failed to file his appeal within the 15 day time limit.

6. The applicant appealed this decision on 30 April 1998 to the Cantonal Court in Sarajevo. This court refused his appeal on 6 August 1998.

II. COMPLAINTS

7. The applicant complains that his right to work as protected by Article 6 of the International Covenant on Economic, Social and Cultural Rights was violated when he was initially terminated from his job in 1994. The applicant also complains that his right to a fair trial as protected by Article 6 paragraph 1 of the European Convention on Human Rights was violated during the proceedings from 1997 to 1998, concerning the PTT's decision not to rehire him.

III. PROCEEDINGS BEFORE THE CHAMBER

8. The case was introduced on 9 November 1998 and registered on the same day.

9. On 9 December 1999 the Chamber considered the case and adopted the following decision.

IV. OPINION OF THE CHAMBER

10. Before considering a case on its merits 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 manifestly ill-founded or which it considers incompatible with the Agreement.

11. With regard to the applicant's employment termination in 1994, the Chamber notes that it is not competent to consider alleged human rights violations which occurred before 14 December 1995, the day the Agreement entered into force. Accordingly, the Chamber decides not to accept this

complaint, it being incompatible *ratione temporis* with the Agreement within the meaning of Article VIII(2)(c) thereof.

12. With regard to the applicant's claim regarding the proceedings surrounding his attempt to be rehired by the PTT, the Chamber cannot find any irregularities in the information before it which could amount, *prima facie*, to a human rights violation. Accordingly, the Chamber decides not to accept this complaint, it being manifestly ill-founded within the meaning of Article VIII(2)(c) thereof.

V. CONCLUSION

13. For these reasons, the Chamber, unanimously,

DECLARES THE APPLICATION INADMISSIBLE.

(signed)
Anders MÅNSSON
Registrar of the Chamber

(signed)
Giovanni GRASSO
President of the Second Panel