



DECISION ON ADMISSIBILITY

Cases nos. CH/98/1690, CH/98/1691, CH/98/1692, CH/98/1693 and CH/98/1694

Ratko ŠIPKA, Tatjana GALIĆ, Ljubica GAJIĆ, Gordana MILOŠEVIĆ and Mladenka ČOLIĆ

against

THE REPUBLIKA SRPSKA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 3 April 2000 with the following members present:

Mr. Andrew GROTRIAN, Acting President
Mr. Dietrich RAUSCHNING
Mr. Hasan BALIĆ
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)(a) of the Agreement and Rules 49(2) and 52 of the Chamber’s Rules of Procedure:

I. FACTS

1. The applicants are citizens of Bosnia and Herzegovina. The cases concern their employment with "Orange Market Line D.O.O.", a private company registered in the Republika Srpska. In accordance with an agreement conducted between "Orange Market Line D.O.O." and "Vitaminka" the applicant's working relations with "Vitaminka" were terminated and they became employees of "Orange Market Line D.O.O." On 13 February 1998 the applicants and a number of co-workers were placed on the waiting list for employment for a period of three months. After the expiry of this period they were not requested to return to work and their working relation with the company was terminated. On 28 March 1998 the applicants initiated proceedings before the Court of First Instance in Banja Luka. There was a hearing held on 2 November 1999. On 16 December 1999 the Court held a further hearing after which it rejected the applicants' claims as ill-founded. It is unknown to the Chamber if the applicants have appealed to the Regional Court against the above decision.

II. COMPLAINTS

2. All the applicants complain that their right to work and their human rights generally have been violated. The applicants in cases nos. CH/98/1690, CH/98/1692 and CH/98/1694 also claim that their rights to health, social insurance and financial security have been violated. Also, complaints related to length of proceedings were raised.

III. PROCEEDINGS BEFORE THE CHAMBER

3. The applications was introduced and registered on 8 November 1998. The Chamber considered the admissibility of the application on 8 February and 3 April 2000.

IV. OPINION OF THE CHAMBER

4. 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 also dismiss any application which it considers incompatible with the Agreement, manifestly ill-founded or incompatible *rationae materiae*.

5. The applicants claim that their right to work and certain ancillary rights have been violated. However, these rights are not guaranteed as such by the Agreement. Only alleged or apparent discrimination in relation to the right to work can be examined by the Chamber under Article II(2)(b) of the Agreement in conjunction with, *inter alia*, the International Covenant on Economic, Social and Cultural Rights (case no. CH/98/1171, *Ćuturić*, decision on admissibility and merits delivered on 8 October 1999, paragraph 38, Decisions August – December 1999). However, the applicants have neither claimed that they have been discriminated against on any ground, nor can the Chamber of its own motion find any evidence of discrimination. Accordingly, this claim is inadmissible on the ground that it is incompatible with the Agreement *ratione materiae*.

6. The Chamber notes that the applicants complain of the slowness of the domestic legal system. However, there have been a number of developments in the proceedings before the domestic organs. In particular, the Chamber notes that the Court of First Instance has issued a decision in the case. Therefore, the Chamber holds that length of proceedings is not unreasonable within the meaning of Article 6(1) of the Convention. Accordingly, the Chamber declares the complaint regarding the slowness of proceedings inadmissible as manifestly ill-founded.

7. Therefore, the Chamber decides not to accept the applications, partly as they are partly incompatible with the Agreement *rationae materiae* and partly manifestly ill-founded within the meaning of Article VIII(2)(c) of the Agreement.

V. CONCLUSION

8. For these reasons, the Chamber, unanimously,

DECLARES THE APPLICATIONS INADMISSIBLE.

(signed)
Anders MÅNSSON
Registrar of the Chamber

(signed)
Andrew GROTRIAN
Acting President of the First Panel