



DECISION ON ADMISSIBILITY

Case no. CH/98/806

Tihomir KOVAČEVIĆ

against

The Federation of Bosnia and Herzegovina

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 6 September 2000 with the following members present:

Mr. Giovanni GRASSO, President
Mr. Viktor MAŠENKO-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)(c) of the Agreement and Rules 49(2) and 52 of the Chamber’s Rules of Procedure:

I. FACTS

1. The applicant is a retired employee of the Ministry of the Interior (MUP) in Tuzla where he had been working from 1 April 1964 until his retirement on 1 April 1990. The applicant was retired in the middle instead of the end of the year although retirements ordinarily would be executed on 31 December of every year. This early retirement allegedly entitled him to an amount which was much lower than the ones of his similarly situated colleagues and to which he would have been entitled had he been retired in an ordinary manner.

2. Before the war, the applicant allegedly complained against the first instance procedural decision on retirement of 25 July 1990 which had been issued by the Republic's Secretariat for Internal Affairs. He also complained before the MUP in Sarajevo and the Presidency of Bosnia and Herzegovina. A second instance procedural decision was allegedly issued on 14 February 1992. However, the applicant admits that he has never initiated an administrative dispute before the competent court against this decision because of the subsequent outbreak of the war.

II. COMPLAINTS

3. The applicant complains that his pension is too low and that, thus, his right to life has been violated.

III. PROCEEDINGS BEFORE THE CHAMBER

4. The case was introduced on 28 July 1998 and registered on the same day. On 6 September the Chamber considered the case and adopted the following decision.

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)(c), the Chamber shall dismiss any application which it considers incompatible with the Agreement.

6. As the Agreement was signed on 14 December 1995, the Chamber is only competent *ratione temporis* to consider events which happened after that date or, if they happened before then, constitute a situation continuing after that date. The Chamber notes that the applicant has not appealed against the decision of 14 February 1992. However, the question whether the applicant has exhausted the available domestic remedies does not need to be considered because neither was any of the procedural decisions issued nor did the applicant appeal against any of them after the entry into force of the Agreement. The Chamber therefore finds that the application is outside its competence *ratione temporis*.

7. Accordingly, the Chamber decides not to accept the application for being incompatible *ratione temporis* with the Agreement.

V. CONCLUSION

8. 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