



DECISION ON ADMISSIBILITY

Case no. CH/99/1422

Murveta BEGANOVIĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 11 January 2000 with the following members present:

Mr. Giovanni GRASSO, President
Mr. Viktor MASENKO-MAVI, Vice-President
Mr. Jakob MÖLLER
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 citizen of Bosnia and Herzegovina who worked as a medical nurse at the Medical Center of Visoko for many years. During the war, after having obtained the permission of the Medical Center, she left Visoko on 1 September 1992 as she had become seriously ill. Thereafter, on 13 November 1992, the director of the Medical Center issued a procedural decision terminating the applicant's employment because she had not reported to work as she was obliged to while being under a "working obligation". The applicant appealed to the Steering Board of the Center.
2. The dispute was settled by a decision of the Steering Board which was signed by the applicant on 4 March 1994. Accordingly, the applicant could continue to work at the Center. The period from 20 October 1992 to 7 March 1994 was recognised for the purpose of her right to pension and other benefits but she did not receive other benefits related to her employment such as salaries, aid parcels and other humanitarian assistance.
3. On 12 September 1994 the applicant initiated civil proceedings against the Medical Center before the Municipal Court of Visoko, requesting the court to order the defendant to pay compensation in the amount of 4,000 German Marks (DEM). By a judgment of 4 June 1997 the Municipal Court refused the applicant's claim. The applicant appealed to the Cantonal Court in Zenica. By a decision of 20 October 1997 the Cantonal Court rejected her appeal and confirmed the first instance judgment.

II. COMPLAINTS

4. The applicant alleges that her right to work and related rights have been violated. She complains that her dignity was injured as she was left without any financial means or access to humanitarian aid during the war. The applicant requests the Chamber to remedy the injustice done to her and to grant her all rights relating to her employment for the above-mentioned period.

III. PROCEEDINGS BEFORE THE CHAMBER

5. The application was submitted on 7 January 1999 and registered on the same day.

IV. OPINION OF THE CHAMBER

6. Before considering the merits of the case the Chamber must decide whether to accept the case, 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 incompatible with the Agreement.
7. The Chamber recalls that according to universally accepted principles of international law, it is only competent to review allegations relating to circumstances pertaining after the entry into force of the Agreement on 14 December 1995. The Chamber notes that the applicant in part complains about violations stemming from the years 1992 to 1994. It is therefore not competent *ratione temporis* to consider this part of the application.
8. The Chamber further recalls that its jurisdiction extends to the examination of alleged or apparent violations of the European Convention on Human Rights and of discrimination on any ground mentioned in Article II(2)(b) of the Agreement in the enjoyment of the rights contained in the international agreements listed in the Appendix to the Agreement. The applicant complains only about a violation of her right to work. The Chamber notes that the right to work is not as such guaranteed by the Convention (see, e.g., case no. CH/98/681, *Alagić*, decision on admissibility of 15 October 1998, paragraph 12, Decisions and Reports 1998). The International Covenant on Economic, Social and Cultural Rights, which is included in the above-mentioned list, guarantees the right to work and the right to the enjoyment of favourable conditions of work in its Articles 6 and 7. However, the applicant does not explicitly allege that she has been discriminated against in the

enjoyment of her right to work or other related rights. Moreover, such discrimination is not apparent from the presented facts. Therefore, the Chamber has no jurisdiction *ratione materiae* to examine this part of the application

9. Accordingly, the Chamber decides not to accept the application, it being partly incompatible *ratione temporis* and partly incompatible *ratione materiae* with the Agreement within the meaning of Article VIII(2)(c) thereof.

VI. CONCLUSION

10. For these reasons, the Chamber, unanimously,

DECLARES THE APPLICATION INADMISSIBLE.

(signed)
Anders MÅNSSON
Registrar of the Chamber
Second Panel

(signed)
Giovanni GRASSO
President of the