



DECISION ON ADMISSIBILITY

Case no. CH/99/1515

Dušanka BRUJIĆ

against

**THE FEDERATION OF BOSNIA AND HERZEGOVINA
and
THE REPUBLIKA SRPSKA**

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 8 December 1999 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. 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 applicant is a citizen of Bosnia and Herzegovina of Serb origin living in the Sarajevo area. From 1978 to 1992 she worked for a large publicly-held company, "ZRAK". During 1992 the applicant was placed on the company's "waiting list". Also during 1992 the applicant was seriously injured as a result of the war in Bosnia and Herzegovina and suffered what was later officially adjudged to be a permanent 20 % disability.
2. The applicant states that she has not received any compensation during her period on the waiting list and is currently unemployed. She is currently a subtenant of an apartment. Her apartment, as described in a letter from the Sarajevo Canton, Stari Grad Office of Social Protection Service, is in very poor condition.
3. Because of her apartment's condition both the above-mentioned Social Protection Service and the Office of the Federation of Bosnia and Herzegovina Ombudsmen have written letters to ZRAK, urging the company to take some action to assist the applicant. Also, the applicant herself has attempted to gain the assistance of ZRAK. The company has responded that it is unable to provide any assistance because it lacks the funds to do so. The applicant asserts, however, that some individuals have received compensation from the company.
4. In addition, the applicant has solicited the Trade Union of Metal Workers and the Office of the High Representative without gaining any favourable results.

II. COMPLAINTS

5. The applicant complains of violations of the following rights: the right to life as protected by Article 2 of the European Convention on Human Rights, the right to respect for her home as protected by Article 8 of the Convention, the right to work as protected by Article 6 of the International Covenant on Economic, Social and Cultural Rights, the right to an adequate standard of living as protected by Article 11 of the Covenant, the right to social insurance as protected by Article 9 of the Covenant and the right to the best attainable standard of physical and mental health as protected by Article 12 of the Covenant. Further, the applicant also complains of discrimination in the enjoyment of these rights as protected by Article II(2)(b) of the Agreement.

III. PROCEEDINGS BEFORE THE CHAMBER

6. The case was introduced before the Chamber on 2 February 1999 and registered the following day.
7. The Chamber considered the case on 8 December 1999 and adopted this decision.

IV. OPINION OF THE CHAMBER

8. 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)(a), the Chamber must consider whether effective domestic remedies exist and whether the applicant had demonstrated that they have been exhausted.
9. The applicant has not attempted to use any domestic remedy, either administrative or judicial. Further, the applicant has made no showing that such remedies would be ineffective.
10. Accordingly, the Chamber decides not to accept the application pursuant to Article VIII(2)(a) of the Agreement, as the applicant has not demonstrated that the effective domestic remedies have been exhausted.

V. CONCLUSION

11. For these reasons, the Chamber, unanimously,

DECLARES THE APPLICATION INADMISSIBLE.

(signed)
Anders MÅNSSON
Registrar of the Chamber

(signed)
Michèle PICARD
President of the First Panel