



DECISION ON ADMISSIBILITY

Case no. CH/99/1899

Radomir VUJOVIĆ

against

THE REPUBLIKA SRPSKA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 8 June 2000 with the following members present:

Ms. Michèle PICARD, President
Mr. Andrew GROTRIAN, Vice-President
Mr. Dietrich RAUSCHNING
Mr. Hasan BALIĆ
Mr. Rona AYBAY
Mr. Želimir JUKA

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. On 26 August 1996 a Disciplinary Commission of D.P. "Štamparija", a company from Trebinje in the Republika Srpska, dismissed the applicant from his work, finding him responsible for a serious violation of a working obligation causing irreparable harm for the company. On 16 September 1996 the applicant appealed to the Managing Board of the company, which upheld the previous decision.

2. On 10 October 1996 the applicant appealed to the Court of First Instance in Trebinje requesting renewal of the proceedings held before the employer's organs. On 4 March 1997 the court ordered the company to reinstate the applicant in his previous working position. On 30 June 1997 the Regional Court in Trebinje rejected the company's appeal and thus upheld the decision of the Court of First Instance. The Company thereafter requested a review from the Supreme Court of the Republika Srpska. On 19 August 1998 the Supreme Court quashed the previous Court decision and rejected the applicant's request for reinstatement.

3. On 26 May 1999 the applicant applied to the Public Prosecutor for protection of legality which is an extraordinary remedy. The applicant was informed on 11 June 1999 that he was not entitled to make such a request after the Supreme Court's decision of 19 August 1998 had been delivered. On 29 June 1999 the applicant requested the Public Prosecutor to initiate criminal proceedings against the judges of the Supreme Court who delivered the above-mentioned decision. The further developments in these proceedings are not known to the Chamber.

II. COMPLAINTS

4. The applicant alleges a violation of his right to work.

III. PROCEEDINGS BEFORE THE CHAMBER

5. The application was introduced on 15 April 1999 and registered on the same date.

IV. OPINION OF THE CHAMBER

6. 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 or manifestly ill-founded.

7. The Chamber notes that the applicant claims of a violation of his right to work. This right is not guaranteed by the Convention. Accordingly, the Chamber cannot consider whether this right has been violated, except in the context of possible discrimination. The applicant has not claimed that he has been discriminated against on any ground, nor can the Chamber of its own motion find any evidence of discrimination (case no. CH/98/1171, *Šipka et. al.*, decision of 3 April 2000). Accordingly, the application is incompatible with the Agreement *rationae materiae*.

8. Therefore, the Chamber decides not to accept the application, it being incompatible *rationae materiae* with the Agreement within the meaning of Article VIII(2)(c) thereof.

V. CONCLUSION

9. 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