



DECISION ON ADMISSIBILITY

Case no. CH/99/1985

Muharem BUDIMOVIĆ

against

THE REPUBLIKA SRPSKA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 11 May 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. 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) of the Agreement and Rules 49(2) and 52 of the Chamber's Rules of Procedure:

I. FACTS

1. The applicant, a citizen of Bosnia and Herzegovina of Bosniak origin, was employed by a privately-owned company, "Metal d.d." in Gradiška, Republika Srpska. On 10 September 1992 he commenced a compulsory working obligation, in accordance with an order of the Ministry of Defence department in Gradiška, which lasted until 27 January 1996.

2. On 27 August 1993 the director of the company issued a decision terminating his working relation with the company on the ground that there was no further need for his services. On 23 September 1993 the applicant's objection against this decision was refused by the Administrative Board of the company.

3. On 20 January 1998 the applicant initiated proceedings against Metal d.d. before the Court of First Instance ("Osnovni Sud") in Gradiška against the termination of his working relation. In these proceedings he requested the court to put the decision of 27 August 1993 terminating his working relation out of force, that he be reinstated to his employment and that the company pay him compensation. On 19 May 1998 the court refused his requests. The reason given for this refusal was that the applicant had not initiated his proceedings before the court within the legally prescribed time-limit.

4. On 18 June 1998 the applicant appealed against this decision to the Regional Court in Banja Luka. On 15 March 1999 his appeal was refused and the decision of the Court of First Instance confirmed. The Regional Court accepted the reasoning of the Court of First Instance in its decision of 19 May 1998, that the applicant had lost his right to seek the protection of the courts by not initiating court proceedings within the prescribed time-limit.

5. On 27 April 1999 the applicant lodged a request for review with the Supreme Court of the Republika Srpska, claiming that the decisions of the Court of First Instance and Regional Court in his case should be reviewed. According to the information available to the Chamber, there has been no decision on this request to date.

6. There is no other ordinary remedy available to the applicant in the legal system of the Republika Srpska. The applicant is presently unemployed.

II. COMPLAINTS

7. The applicant complains of violations of his rights as protected by Articles 6 and 13 of the European Convention on Human Rights. He also claims that he has been discriminated against on the ground of his national origin in the enjoyment of the above rights and also in the enjoyment of his right to work.

III. PROCEEDINGS BEFORE THE CHAMBER

8. The application was submitted on 22 July 1999 and registered on the same day.

V. OPINION OF THE CHAMBER

9. 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 to be, *inter alia*, incompatible with the Agreement or manifestly ill-founded.

10. The Chamber notes that the applicant's working relation was terminated on 27 August 1993. The Chamber has previously held that it is not competent to consider events that took place prior to the entry into force of the Agreement, which occurred on 14 December 1995 (case no. CH/96/1,

Matanović, decision on admissibility of 13 September 1996, Decisions on Admissibility and Merits 1996-1997). Accordingly, the applicant's complaints concerning the termination of his working relation with the company are outside the Chamber's competence *ratione temporis*.

11. As regards the court proceedings initiated by the applicant against the termination of his working relation, the Chamber recalls that the Court of First Instance refused her claim and on appeal the Regional Court upheld this decision. His request for review of these decisions is still pending before the Supreme Court of the Republika Srpska.

12. The conduct of the proceedings before the courts of the Republika Srpska do not disclose any issue under the Agreement, as they do not appear to have been conducted contrary to the applicant's rights as guaranteed by Article 6 of the Convention. The outcome of the proceedings *per se* cannot, therefore, be challenged before the Chamber.

13. Accordingly, the application is inadmissible as manifestly ill-founded insofar as it concerns the proceedings initiated by the applicant against the termination of his working relation.

14. In conclusion, the Chamber decides not to accept the application, partly as it is outside the Chamber's competence *ratione temporis* and partly as it is manifestly ill-founded within the meaning of Article VIII(2)(c) of the Agreement.

VI. CONCLUSION

15. 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