



DECISION ON ADMISSIBILITY

Case no. CH/99/2674

Mustafa TERZIĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 7 June 2000 with the following members present:

Mr. Viktor MASENKO-MAVI, Acting 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 was born in 1937 and is a citizen of Bosnia and Herzegovina of Bosniak descent. He worked at the Municipal Court in Bugojno as a lawyer until 1993. Due to the conflict in the area, he was not able to come to work between 1993 and 1996. On 5 August 1997 the Municipal Court, acting as the applicant's employer, issued a procedural decision that terminated his working relationship and forced him to retire. The decision stated that he had fulfilled the legally prescribed maximum number of working years. The applicant, however, alleges that his period of absence between 1993 and 1996 was wrongfully included in that calculation.

2. Following the receipt of the decision, the applicant appealed to the President of the Municipal Court. His appeal was rejected on 29 August 1997. Thereafter, the Municipal Court in Travnik, acting as court of first instance, decided on the applicant's claim that the decision of 5 August 1997 be declared invalid. The claim was rejected on 10 November 1998 and this judgment was confirmed by the Cantonal Court in Travnik on 10 June 1999. In addition to the court proceedings, he has filed complaints with various authorities of the Federation of Bosnia and Herzegovina.

3. The applicant states that he did not take part in "unlawful activities" initiated by the then Mayor of the Municipality of Bugojno and that the decision on his retirement was made due to his "unwillingness to act against positive regulations" and because he was "living a life without nationalistic notions".

II. COMPLAINTS

4. The applicant alleges that his rights to work, to equality and to a dignified life have been violated because his pension is much lower than his salary when he was employed. The applicant appears to complain of discrimination in relation to Article 6 of the International Covenant on Economic, Social and Cultural Rights and Article 25(c) of the International Covenant on Civil and Political Rights.

III. PROCEEDINGS BEFORE THE CHAMBER

5. The application was introduced on 9 July 1999 and registered on the following day.

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 dismiss any application which it considers manifestly ill-founded.

7. The Chamber notes that the applicant appears to complain of discrimination in respect of his right to work on the grounds of his relationship with his superiors, and possibly of his political opinion. However, the applicant has not provided sufficient evidence in support of his allegation, and the Chamber cannot of its own motion find such evidence.

8. Accordingly, the Chamber decides not to accept the application, it being manifestly ill-founded within the meaning of Article VIII(2)(c) of the Agreement.

V. CONCLUSION

9. For these reasons, the Chamber, by 5 votes to 1,

DECLARES THE APPLICATION INADMISSIBLE.

(signed)
Anders MÅNSSON
Registrar of the Chamber

(signed)
Viktor MASENKO-MAVI
Acting President of the Second Panel