



DECISION ON ADMISSIBILITY

Case no. CH/99/3378

Mirsad ČIČEKLIĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 6 July 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 Articles VIII(2)(a) and 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 an X-ray technician employed with the State Clinic in Sarajevo. On 16 March 1998 the Director of the State Clinic fined the applicant to pay 15 per cent of his monthly income for the duration of six months because he had found him guilty of having stolen medical supplies. The steering board of the State Clinic rejected the applicant's appeal against that decision on 29 April 1998.

2. Thereafter, the applicant instituted proceedings before the Municipal Court in Sarajevo with a view to annul the decision of 16 March 1998 and in order to be compensated for non-pecuniary damages inflicted on him. The court issued a judgment in favour of the applicant on 31 March 1999, but without compensating him as requested. That judgment was confirmed on 29 June 1999 by the Cantonal Court in Sarajevo.

II. COMPLAINTS

3. The applicant claims that he did not enjoy a fair hearing and alleges a violation of his reputation. He asks the Chamber to award him monetary relief for his "mental suffering during the proceedings" and for the "infringement" of his honour.

III. PROCEEDINGS BEFORE THE CHAMBER

4. The application was introduced on 20 December 1999 and registered on the following day.

IV. OPINION OF THE CHAMBER

5. 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.

6. The applicant has neither provided any evidence to the Chamber substantiating that the proceedings in his case were not fair nor that the respondent Party is accountable for the alleged violation of his reputation.

7. 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

8. For these reasons, the Chamber, unanimously,

DECLARES THE APPLICATION INADMISSIBLE.

(signed)
Anders MÅNSSON
Registrar of the Chamber

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