DECISION ON ADMISSIBILITY

Case no. CH/03/12909

Ilija DIMAČ, Žarko POPOVIĆ, Ibrahim KULAŠIN, Franjo MALKOČ, Zahid DELIĆ, Humija HIMZANIJA, Gojko LASIĆ, Josip ČERKEZ, Ljubo PAVLOVIĆ and Zvonko VANJEK

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 5 March 2003 with the following members present:

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

Mr. Ulrich GARMS, Registrar
Ms. Olga KAPIĆ, Deputy Registrar
Ms. Antonia DE MEO, 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. INTRODUCTION

1. The application was introduced on 23 January 2003 and registered on the same day. The applicants requested that the Chamber order the respondent Party, as a provisional measure, to suspend the sale of an enterprise where they had formerly worked. On 7 February 2003, the Chamber decided not to order the provisional measure requested.

2. The applicants were founding employees of a chimney sweeping business in Sarajevo. The legal successor of this business was later privatised. The applicants complain that they and other pensioners of the enterprise were not allowed to participate in the privatisation process.

II. OPINION OF THE CHAMBER

3. In accordance with Article VIII(2) of the Agreement, "the Chamber shall decide which applications to accept.... In so doing, the Chamber shall take into account the following criteria: ... (c) The Chamber shall also dismiss any application which it considers incompatible with this Agreement, manifestly ill-founded, or an abuse of the right of petition."

4. The Chamber notes that the applicants complain that there has been an interference with their rights to participate in the privatisation of their former enterprise. However, this is not a right which is included among the rights and freedoms guaranteed under the Agreement. It follows that the application is incompatible *ratione materiae* with the provisions of the Agreement, within the meaning of Article VIII(2)(c). The Chamber therefore decides to declare the application inadmissible.

III. CONCLUSION

5. For these reasons, the Chamber, unanimously,

DECLARES THE APPLICATION INADMISSIBLE.

(signed)
Ulrich GARMS
Registrar of the Chamber

(signed)
Michèle PICARD
President of the First Panel