



DECISION ON ADMISSIBILITY

Case no. CH/03/14082

Association of Shareholders of Agrokomerc d.d. Velika Kladuša

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 2 July 2003 with the following members present:

Mr. Mato TADIĆ, President
Mr. Jakob MÖLLER, Vice-President
Mr. Mehmed DEKOVIĆ
Mr. Giovanni GRASSO
Mr. Manfred NOWAK
Mr. Vitomir POPOVIĆ
Mr. Viktor MASENKO-MAVI

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 5 May 2003. The applicant requested the Chamber to issue an order for provisional measures revising its decision in *Škrgić and others* (CH/00/5134 *et al.*, decision on further remedies of 5 March 2003) and to allow the participation of the applicant in the interim supervisory board and, generally, in the running of Agrokomerc d.d. Velika Kladuša ("Agrokomerc") in the interim period (until the forensic audit is complete). Furthermore, the applicant requested the Chamber to issue an order for provisional measures annulling its order for provisional measures of 9 November 2002 in the above-mentioned *Škrgić and others* case. The applicant alleges that the Chamber's order that the Federation of Bosnia and Herzegovina continues to suspend the process of privatisation of Agrokomerc and to prevent any other steps aimed at changing the ownership of the property of Agrokomerc has caused significant damages to Agrokomerc. On 5 June 2003 the Chamber decided not to order the provisional measures requested.

2. On 16 June 2003, the applicant amended its application. In the amended application, the applicant did not expressly request the Chamber to revise its decisions in the above-mentioned *Škrgić and others* case. The applicant requested the Chamber to allow its participation in the interim supervisory board of Agrokomerc.

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 application is nominally directed against the Federation of Bosnia and Herzegovina as a respondent Party. However, in essence the applicant's complaints concern the Chamber's decision on further remedies and order for provisional measures issued in the above-mentioned *Škrgić and others* case. Action taken by the Chamber does not engage the responsibility under the Agreement of the authorities of any of the signatories to the Agreement. It follows that the application is incompatible *ratione personae* 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)
Mato TADIĆ
President of the Second Panel