



DECISION ON ADMISSIBILITY AND MERITS
(Delivered on 8 February 2001)

Cases nos.
CH/00/6143 and CH/00/6150

Mara TURUNDŽIĆ and Smiljka FRANČIĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting in plenary session on 5 February 2001 with the following members present:

Ms. Michèle PICARD, President
Mr. Giovanni GRASSO, Vice-President
Mr. Dietrich RAUSCHNING
Mr. Hasan BALIĆ
Mr. Rona AYBAY
Mr. Želimir JUKA
Mr. Jakob MÖLLER
Mr. Mehmed DEKOVIĆ
Mr. Manfred NOWAK
Mr. Miodrag PAJIĆ
Mr. Vitomir POPOVIĆ
Mr. Viktor MASENKO-MAVI
Mr. Andrew GROTRIAN
Mr. Mato TADIĆ

Mr. Peter KEMPEES, 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) and XI of the Agreement and Rules 52, 57 and 58 of the Chamber's Rules of Procedure:

I. INTRODUCTION

1. The applicants are citizens of Bosnia and Herzegovina. They are both the pre-war occupancy right holders of apartments in Mostar. Both applicants left their apartments due to the war hostilities. The cases concern their attempts to regain possession of their apartments. Both applicants have lodged applications to the Commission for Real Property Claims of Displaced Persons and Refugees (CRPC), which has issued decisions recognising their occupancy rights. However, those decisions have not been executed. The facts of the individual cases are set out in Section III below.
2. The cases raise issues under Article 6, 8 and 13 of the European Convention on Human Rights and under Article 1 of Protocol No. 1 to the Convention.

II. PROCEEDINGS BEFORE THE CHAMBER

3. The applications were introduced on 15 September 2000 and registered on 26 September 2000.
4. On 9 October 2000 the Chamber decided to transmit the applications to the respondent Party for observations on the admissibility and merits thereof. The respondent Party submitted its observations on 6 November 2000.
5. The applicants' further observations, including claims for compensation, were received on 15 December 2000 and transmitted to the respondent Party. The respondent Party requested the Chamber for an extension of the time-limit to submit its further observations. The Chamber decided to extend the respondent Party's time-limit for submitting its further observations until 27 January 2001. On 26 January 2001 the Chamber received the respondent Party's observations.
6. On 5 December 2000 and 9 January 2001 the Chamber considered the admissibility and merits of the applications. On 6 February 2001 the Chamber adopted the present decision.

III. FACTS

1. Case no. CH/00/6143 Mara TURUNDŽIĆ

7. The applicant who is of Croat descent was allocated an apartment on Maršala Tita 82b in Mostar Old Town on 20 December 1990 by the Yugoslav National Army, the JNA. She lived in the apartment until April 1992 when she left it due to the war hostilities.
8. On 27 January 1998 she requested the CRPC to issue a decision recognising her occupancy right.
9. On 22 June 1998 the applicant filed a claim for repossession of her apartment to the Municipal Service for Housing Communal Issues, Property Legal Issues and Building of Mostar Old Town (the competent municipal organ).
10. On 8 June 1999 the CRPC issued a decision (Decision No. 104-2083-1/1) recognising the applicant's occupancy right.
11. On 20 September 1999 the applicant filed a request for the execution of the CRPC decision to the competent municipal organ. However, the applicant did not receive any response and on 1 December 1999 she filed a new request for the enforcement of the CRPC decision to the Secretariat for Urbanism, Building and Communal Affairs. The applicant did not receive any response.
12. On 30 March 2000 the applicant informed the Federal Ministry of Justice about the non-enforcement of the CRPC decision and requested an administrative inspection. The applicant has not received any response.

2. Case no. CH/00/6150 Smiljka FRANČIĆ

13. The applicant, who is of Serb descent, is the pre-war occupancy right holder over an apartment located at Drage Palavestre 9a in Mostar Old Town. The applicant, together with her family, left the apartment due to the hostilities.
14. On 24 March 1997 the applicant filed a request for repossession of the apartment to the CRPC.
15. On 8 October 1998 the CRPC issued a decision (Decision No. 101-961-1/1) recognising the applicant's occupancy right over the apartment.
16. On 13 September 1999 the applicant filed a request for the execution of the CRPC decision to the Municipal Service for Housing Affairs, Reconstruction and Cadaster of Real Property (the competent municipal organ). The applicant did not receive any response.
17. On 11 January 2000 the applicant filed a second request to the competent municipal organ. The applicant did not receive any response.
18. On 5 May 2000 the applicant informed the Federal Ministry of Justice about the non-enforcement of the CRPC decision and requested an administrative inspection. The applicant has not received any response.

IV. RELEVANT LEGAL PROVISIONS

1. The General Framework Agreement for Peace in Bosnia and Herzegovina – Annex 7, Agreement on Refugees and Displaced Persons

19. The General Framework Agreement for Peace in Bosnia and Herzegovina (the "General Framework Agreement") was signed by the Republic of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (the "Parties") in Paris on 14 December 1995. Annex 7 to the General Framework Agreement deals with refugees and displaced persons and in accordance with Article VII of Annex 7 an Independent Commission for Displaced Persons and Refugees, later renamed Commission for Real Property Claims of Displaced Persons and Refugees (CRPC), was established.

20. The CRPC shall receive and decide any claims for real property in Bosnia and Herzegovina, where the property has not voluntarily been sold or otherwise transferred since 1 April 1992, and where the claimant does not enjoy possession of that property (Article XI). The CRPC shall determine the lawful owner of the property - a concept which the CRPC has construed to include an occupancy right holder - according to Article XII(1). According to Article XII(7) the decisions of CRPC are final and any title, deed, mortgage, or other legal instrument created or awarded by the CRPC shall be recognised as lawful throughout Bosnia and Herzegovina.

21. The Parties shall cooperate with the work of the CRPC, and shall respect and implement its decisions expeditiously and in good faith (Article VIII).

2. The Law on Implementation of the Decisions of the Commission for Real Property Claims of Displaced Persons and Refugees

22. The Law on Implementation of the Decisions of the Commission for Real Property Claims of Displaced Persons and Refugees (Official Gazette of the Federation of Bosnia and Herzegovina 43/99 – hereinafter "the Law on Implementation") regulates the enforcement of decisions of the CRPC.

23. The administrative body responsible for property-related legal affairs in the municipality where the property is located shall enforce decisions of the CRPC relating to real property owned by citizens

(Article 3 paragraph 2). Decisions of the CRPC relating to an apartment for which there is an occupancy right shall be enforced by the administrative body for housing affairs in the municipality where the apartment is located (Article 3 paragraph 3). The CRPC decisions shall be enforced if a request for the enforcement has been filed to the relevant organ. The following persons are entitled to file such a request: The right holder specified in the CRPC decision and his/her heirs relating to real property owned by citizens (Article 4 paragraph 1) and relating to apartments for which there is an occupancy right; the occupancy right holder referred to in a CRPC decision and the persons who, in compliance with the Law on housing relations, are considered to be members of the family household of the occupancy right holder (Article 4 paragraph 2).

24. The right to file a request for enforcement of a CRPC decision confirming a right to private property is not subject to any statute of limitation (Article 5 paragraph 1). The request for enforcement of a CRPC decision confirming occupancy right must be submitted within 18 months from the date when the CRPC decision was issued, or for decisions issued before this law entered into force, within 18 months from the entry into force of this law (Article 5 paragraph 2, as amended by the High Representative with effect from 28 October 2000. Before that the time limit was one year).

25. The request for enforcement of a CRPC decision shall include two photocopies of the CRPC decision relating to real property owned by citizens, and three photocopies of the CRPC decision relating to occupancy right (Article 6). The administrative organ responsible for the enforcement of a CRPC decision is obliged to issue a conclusion on the permission of enforcement within a period of 30 days from the date when the request for enforcement was submitted and shall not require any confirmation of the enforceability of the decision from CRPC or any other body (Article 7 paragraphs 1 and 2). The conclusion shall contain:

1. in case of property or apartments that have been declared abandoned, a decision terminating the municipal administration of the property;
2. a decision on repossession of the property or apartment by the right holder or other requestor for enforcement;
3. a decision terminating the right of the temporary user (where there is one) to use the property or apartment;
4. a time limit for the enforcee to vacate the property;
5. a decision on whether the enforcee is entitled to accommodation in accordance with applicable laws;
6. a requirement that the premises shall be vacated of all persons and possessions, other than those belonging to the person authorised to return into possession.

26. According to Article 7 paragraph 5 the time-limit for vacating the house or apartment shall be the minimum time-limit applicable under the Law on the Cessation of the Application of the Law on Abandoned Apartments (Official Gazette of the Federation of Bosnia and Herzegovina nos. 11/98, 38/98, 12/99, 18/99, 27/99 and 43/99) or the Law on the Cessation of the Application of the Law on Temporary Abandoned Real Property Owned by Citizens (Official Gazette of the Federation of Bosnia and Herzegovina nos. 11/98, 29/98, 27/99 and 43/99)

27. Article 9 states that a decision of the CRPC is enforceable against the current occupants of the property concerned, regardless of the basis on which they occupy it.

3. The Law on Administrative Proceedings

28. Under Article 275 of the Law on Administrative Proceedings (Official Gazette of the Federation of Bosnia and Herzegovina no 2/98) the competent administrative organ has to issue a decision to execute an administrative decision within 30 days upon the receipt of a request to this effect. Article 216 paragraph 3 provides for an appeal to the administrative appellate body if a decision is not issued within this time-limit (appeal against "silence of the administration").

4. The Law on Administrative Disputes

29. Article 1 of the Law on Administrative Disputes (Official Gazette of the Federation of Bosnia and Herzegovina no. 2/98) provides that the courts shall decide in administrative disputes on the lawfulness of second-instance administrative acts concerning rights and obligations of citizens and legal persons.

30. Article 22 paragraph 3 provides that an administrative dispute may be instituted also if the administrative second instance organ fails to render a decision within the prescribed time-limit, whether the appeal to it was against a decision or against the first instance organ's silence.

V. COMPLAINTS

31. Both applicants claim that their right to respect for their home as guaranteed by Article 8 of the European Convention, their right to peaceful enjoyment of possession as guaranteed by Article 1 of Protocol 1 to the European Convention, their right to a hearing within reasonable time as guaranteed by Article 6 of the European Convention and their right to an effective remedy as guaranteed by Article 13 of the European Convention have been violated.

VI. SUBMISSIONS OF THE PARTIES

A. The respondent Party

32. The Federation objects, in its observations received on 6 November 2000, to the admissibility of the applications on the ground that the domestic remedies provided by the Law on Administrative Proceedings and by the Law on Administrative Disputes have not been exhausted. In the case of Ms. Turundžić (case no. CH/00/6143) the respondent Party also states that the domestic remedies provided by the Law on Sale of Apartments with Established Occupancy Right have not been exhausted.

33. As to the merits of the complaint relating to the applicants' right to respect for their homes as protected by Article 8 of the Convention and the applicants' property rights as protected by Article 1 of Protocol 1 to the Convention, the respondent Party is of the opinion that there has been no violation, because it has passed legislation which enables all persons to repossess their apartments. The respondent Party further states that there has been no violation of Articles 6 and 13 in the applicants' cases.

B. The applicants

34. The applicants maintain their complaints and claim that the remedies available to them are ineffective.

VII. OPINION OF THE CHAMBER

A. Admissibility

35. Before considering the merits of these cases the Chamber must decide whether to accept them, taking into account the admissibility criteria set out in Article VIII(2) of the Agreement.

36. According to Article VIII(2)(a) of the Agreement, the Chamber must consider whether effective remedies exist and whether the applicants have demonstrated that they have been exhausted. In the *Blentić* case (case no. CH/96/17, decision on admissibility and merits delivered on 3 December 1997, paragraphs 19-21, Decisions on Admissibility and Merits 1996-1997, with further references) the Chamber considered this admissibility criterion in the light of the corresponding requirement to exhaust domestic remedies in the former Article 26 of the Convention (now Article 35(1) of the

Convention). The European Court of Human Rights has found that such remedies must be sufficiently certain not only in theory but in practice, failing which they will lack the requisite accessibility and effectiveness. The Court has, moreover, considered that in applying the rule on exhaustion it is necessary to take realistic account not only of the existence of formal remedies in the legal system of the Contracting Party concerned but also of the general legal and political context in which they operate as well as of personal circumstances of the applicants.

37. In the present cases the Federation objects to the admissibility of the applications on the ground that the domestic remedies provided by the Law on Administrative Proceedings, by the Law on Administrative Disputes and, in the case of Ms. Turundžić (case no. CH/00/6143), by the Law on Sale of Apartments with an Established Occupancy Right have not been exhausted. Whilst these laws afford remedies which might qualify as effective ones within the meaning of Article VIII(2)(a) of the Agreement in so far as the applicants are seeking to return to their apartments and are faced with the authorities' inaction, the Chamber must ascertain whether, in the cases now before it, these remedies can also be considered effective in practice.

38. The Chamber notes that the applicants filed requests to the CRPC with a view to being reinstated into their apartments. The CRPC issued decisions confirming their occupancy rights, from which it follows that they are entitled to seek the removal of the temporary occupants from the apartments. However, those decisions have not been enforced despite the applicants' enforcement requests to the competent administrative organ, which have been pending, in both cases, for 16 months. According to Article 7 of the implementation law the competent administrative organ is obliged to issue a conclusion on permission of enforcement within a period of 30 days from the date when the request for enforcement is submitted.

39. The Chamber notes that it is still open to the applicants to make further attempts to have their CRPC decisions enforced. However the applicants have already made repeated attempts to remedy their situation and they have been unsuccessful. Use of the remedies provided by the Law on Administrative Proceedings, by the Law on Administrative Disputes and by the Law on Sale of Apartments with Established Occupancy Right, even if successful, would also not remedy the applicants' complaints in so far as they relate to the failure of the authorities to enforce the CRPC decisions within the time-limit prescribed by law. Furthermore, there is no reason to suppose that the responsible authorities, which have for a long period disregarded their legal obligations to enforce the CRPC decisions, will treat the decisions of the courts with any greater respect.

40. In these circumstances the Chamber is satisfied that the applicants could not be required, for the purposes of Article VIII(2)(a) of the Agreement, to pursue any further remedy provided by domestic law.

41. The Chamber further finds that no other ground for declaring the case inadmissible has been established. Accordingly, the case is to be declared admissible.

B. Merits

42. Under Article XI of the Agreement the Chamber must next address the question whether the facts established above disclose a breach by the respondent Party of its obligations under the Agreement. Under Article I of the Agreement the parties are obliged to "secure to all persons within their jurisdiction the highest level of internationally recognised human rights and fundamental freedoms", including the rights and freedoms provided for in the Convention.

1. Article 8 of the Convention

43. Article 8 of the Convention, insofar as relevant, provides:

"1. Every one has the right to respect for...his home...

2. There shall be no interference by a public authority with the exercise of this right except such as in accordance with the law and is necessary in a democratic society in the interests

of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.”

44. The Chamber notes that the applicants have lived in the apartments and used them as their homes until such times as they were forced to leave. The Chamber has previously held that links that persons in similar situations as the applicants in the present cases retained to their dwellings were sufficient for them to be considered to be their “homes” within the meaning of Article 8 of the Convention (see case no. CH/97/58, *Onić*, Decision on the admissibility and merits delivered on 12 February, Decisions January-July 1999, paragraph 48; and case no. CH/97/46, *Kevešević*, decision on the merits delivered on 10 September 1998, paragraphs 39-42, Decisions and Reports 1998)

45. It is therefore clear that the applicants’ apartments are to be considered as their homes for the purposes of Article 8 of the Convention.

46. It is the Federation’s assertion that it has passed legislation which enables all persons to repossess their apartments and that therefore there has been no violation of Article 8 of the Convention.

47. The Chamber notes that it is correct that legislation is in force in the Federation that theoretically enables persons to repossess their apartments. However, both the Chamber and the European Court of Human Rights have held that, although the object of Article 8 is essentially that of protecting the individual against arbitrary interference by the authorities, it may also give rise to positive obligations (see e.g. Case No. 96/17, *Blenić v. Republika Srpska*, decisions on admissibility and merits, Decisions 1997, paragraph 27, *Marckx v. Belgium*, 13 June 1979 Series A No. 31 para 31; *Airey v. Ireland*, 9 October 1979 Series A No. 32, para 32; *Velosa Barreto v. Portugal*, 21 November 1995, Series A No. 334, para 23). Therefore the Chamber considers that the Federation not only has to pass legislation but that the legislation also has to be implemented. Otherwise the legislation is not effective.

48. In the present cases the Chamber recalls that the CRPC has issued decisions confirming the applicants’ right to repossess their apartments. The applicants have been unable to regain possession of their apartments due to the failure of the authorities of the Federation to deal effectively, in accordance with Federation law, with their requests for the enforcement of the CRPC decisions. It follows that the result of the inaction of the Federation is that the applicants cannot return to their homes and that there is an ongoing interference with the applicants’ right to respect for their homes.

49. The Chamber must therefore examine whether this interference is in accordance with paragraph 2 of Article 8 of the Convention.

50. According to Article 7 of the implementation law, the competent administrative organ is obliged to issue a conclusion authorising the execution of the decision within 30 days of the date of the request for such enforcement. The applicants have still not received a decision on their requests to have the CRPC decisions enforced, despite the time-limit for this having expired 15 months ago. Accordingly, the failure of the competent administrative organ to decide upon the applicants’ requests is not “in accordance with the law”.

51. As the interference with the applicants’ right to respect for their home referred to above is not “in accordance with the law”, it is not necessary for the Chamber to examine whether they pursued a “legitimate aim” or were “necessary in a democratic society”.

52. In conclusion, there has been a violation of the rights of the applicants’ to respect for their home as guaranteed by Article 8 of the Convention.

2. Article 1 of Protocol No. 1

53. The applicants complain that their rights to peaceful enjoyment of their possessions have been violated as a result of their inability to regain possession of their apartments. Article 1 of Protocol No. 1 reads as follows:

“Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.

The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties.”

54. It is the Federation’s assertion that it has passed such legislation, which enables all persons to repossess their apartments and that the applicants were not deprived of their rights to return into possession of their apartments.

55. The Chamber notes that the applicants are the holders of occupancy rights over the apartments in question. The Chamber has previously held as follows (case no. CH/96/28, *M.J.*, decision on admissibility and merits delivered on 3 December 1997, paragraph 32, Decisions on Admissibility and Merits 1996-1997):

“...[A]n occupancy right is a valuable asset giving the holder the right, subject to the conditions prescribed by law, to occupy the property in question indefinitely. ... In the Chamber’s opinion it is an asset which constitutes a “possession” within the meaning of Article 1 [of Protocol No. 1]...”

56. Accordingly, the Chamber considers that the applicants’ rights in respect of the apartments constitute “possessions” for the purposes of Article 1 of Protocol No. 1 to the Convention.

57. The Chamber considers the failure of the authorities of the Federation to allow the applicants to regain possession of the apartments constitutes an “interference” with their right to peaceful enjoyment of that possession. This interference is ongoing as the applicants still do not enjoy possession of the apartments.

58. The Chamber must therefore examine whether this interference can be justified. For this to be the case, it must be in the public interest and subject to conditions provided for by law. This means that the deprivation must have a basis in national law and that the law concerned must be both accessible and sufficiently precise.

59. As the Chamber noted, in the context of its examination of the case under Article 8 of the Convention, Article 7 of the implementation law states that the competent administrative organ is obliged to issue a conclusion authorising the execution of the CRPC decisions within 30 days of the date of a request for such enforcement. Accordingly, the failure of the competent administrative organ to decide upon the applicants’ requests is contrary to the law. This is in itself sufficient to justify a finding of a violation of the applicants’ right to peaceful enjoyment of their possessions as guaranteed by Article 1 of Protocol No. 1. Accordingly, the rights of the applicants under this provision have been violated.

3. Articles 6 and 13 of the Convention

60. Article 6 of the Convention, insofar as relevant, provides as follows:

“In the determination of his civil rights and obligations..., everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law...”

61. Article 13 of the Convention provides as follows:

“Everyone whose rights and freedoms as set forth in this Convention are violated shall have an effective remedy before a national authority notwithstanding that the violation has been committed by persons acting in an official capacity.”

62. The applicants allege violations of their rights as guaranteed by these provisions. The respondent Party states that there has been no violation of these Articles in the applicants' cases.

63. The Chamber, having regard to other violations of the applicants' rights it has found, does not consider it necessary to examine the cases under these provisions.

VIII. REMEDIES

64. Under Article XI(1)(b) of the Agreement the Chamber must address the question of what steps shall be taken by the respondent Party to remedy the established breaches of the Agreement. In this connection the Chamber shall consider issuing orders to cease and desist, monetary relief as well as provisional measures. The Chamber is not necessarily bound by the claims of the applicant.

65. In their submission of 15 December 2000 both applicants requested that they be enabled to regain possession of their apartments. In addition, both applicants requested compensation in the amount of DEM 2000 for mental suffering and for the injustice they claim to have suffered. The applicants also claimed compensation for the rent they have been forced to pay for their accommodation pending their return to their apartments. Neither of the applicants has specified any particular sum which they have had to pay. Further, both applicants seek the application of the penalties under the Law on Cessation of the Application of the Application of the Law on Abandoned Apartments (Official Gazette of the Federation of Bosnia and Herzegovina nos. 11/98, 38/98, 12/99, 18/99, 27/99 and 43/99), for officials who have failed to carry out their legal duties. Under Article 18h of this law, responsible officers or persons in an administrative body who block returns may be fined up to KM 1000 for their actions.

66. The respondent Party, in its observations which were received by the Chamber on 26 January 2001, argued that the claims for compensation were unsubstantiated and in any case excessive.

67. The Chamber considers it appropriate to order the respondent Party to take all necessary steps to enforce the CRPC decisions without further delay and at latest within one month from the delivery of the present decision.

68. With regard to possible compensatory awards the Chamber considers it appropriate to award a sum to the applicants in recognition of the sense of injustice they have suffered as a result of their inability to regain possession of their apartments, especially in view of the fact that both of them have taken all necessary steps to have the CRPC decisions enforced.

69. Accordingly the Chamber will order the respondent Party to pay to each of the two applicants the sum of 2000 Convertible Marks (Konvertibilnih Maraka, “KM”) in recognition of their suffering as a result of their inability to regain possession of their apartments.

70. In accordance with its decision in *Pletilić and others* (case no CH/98/659 et al., decision on admissibility and merits delivered on 10 September 1999, paragraph 238, Decisions August-December 1999), the Chamber considers that the sum of KM 100 is appropriate to compensate for the loss of use of the apartments and any extra costs for each month the applicants have been and continue to be forced to live in alternative accommodation. The Chamber considers it appropriate that this sum should be payable from the date the time-limit for the competent municipal organ to issue a conclusion on the permission of enforcement of the CRPC decision expired, i.e. 30 days after the applicants lodged their requests. This sum should continue to be paid at the same rate until the end of the month in which the applicants regain possession of their apartments.

71. With regard to the applicants' suggestion of sanctions under Article 18h of the Law on Cessation of the Application of the Law on Abandoned Apartments, the Chamber considers that it is not opportune for it to order the domestic organs to apply such sanctions. Accordingly, this claim is rejected.

72. The Chamber further awards simple interest at an annual rate of 4% as of the date of expiry of the one-month period set in paragraph 67 for the implementation of the present decision, on the sums awarded in paragraphs 69 and 70 or any unpaid portion thereof until the date of settlement in full.

IX. CONCLUSION

73. For the above reasons, the Chamber decides,

1. unanimously, to declare the applications admissible;
2. unanimously, that the non-enforcement of the decisions of the CRPC constitutes a violation of the right of the applicants to respect for their homes within the meaning of Article 8 of the Convention, the Federation thereby being in breach of Article 1 of the Agreement;
3. unanimously, that the non-enforcement of the decisions of the CRPC constitutes a violation of the right of the applicants peaceful enjoyment of their possessions within the meaning of Article 1 of Protocol No. 1 to the Convention, the Federation thereby being in breach of Article 1 of the Agreement;
4. unanimously, that it is not necessary to rule on the complaints under Article 6 and Article 13 of the Convention;
5. unanimously, to order the Federation to enable the applicants to regain possession of their apartments without further delay, and at latest by 8 March 2001;
6. unanimously, to order the Federation to pay to each of the applicants, no later than 8 March 2001, the sum of KM 2000 in respect of non-pecuniary damage;
7. unanimously, to order the Federation to pay to each of the applicants, no later than 8 March 2001, the sum of KM 1600 as compensation for the loss of use of the apartments and for any extra costs during the time the applicants have been forced to live in alternative accommodation;
8. unanimously, to order the Federation to pay to each of the applicants KM 100 for each further month that they continue to be forced to live in alternative accommodation as from 1 March 2001 until the end of the month in which they are reinstated;
9. unanimously, to order the Federation to pay simple interest at the rate of 4 (four) per cent per annum over the above sums or any unpaid portion thereof from the date of expiry of the above one-month periods until the date of settlement in full;
10. unanimously, to dismiss the remainder of the applicants' claims for remedies; and
11. unanimously, to order the Federation to report to it by 8 March 2001 on the steps taken by it to comply with the above orders.

(signed)
Peter KEMPEES
Registrar of the Chamber

(signed)
Michèle PICARD
President of the Chamber