



DECISION ON ADMISSIBILITY AND MERITS
(delivered on 7 December 2001)

Case no. CH/99/1568

Bahra ĆORALIĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting in as the Second Panel on 7 November 2001 with the following members present:

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

Mr. Ulrich GARMS, 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) and Article XI of the Agreement and Rules 52, 57 and 58 of the Chamber's Rules of Procedure:

I. INTRODUCTION

1. The applicant has been a judge in Bihać since 1989. On 8 June 1995 she was abducted and badly beaten by three men. On 28 July 1995 Emir Bešić, Abdulah Bešić and Hazim Kosovac were taken into custody on suspicion of committing this assault. They were released from custody on 5 September 1995. On 18 March 1999 they were convicted. On 1 October 1997 the applicant brought criminal charges before the Public Prosecutor's Office against the former Chief of Police, Edhem Bešić, in connection with the assault. However, he was never indicted. On 15 April 1998 the applicant filed an action for compensation against the three convicted men and Edhem Bešić. There has been no final decision in this case to date.
2. The application raises issues under Articles 3, 5 and 6 of the European Convention on Human Rights ("the Convention").

II. PROCEEDINGS BEFORE THE CHAMBER

3. The application was introduced on 12 February 1999 and registered on 17 February 1999.
4. On 25 October 1999 the case was transmitted to the respondent Party for observations on the admissibility and merits. On 24 December 1999 the respondent Party submitted its observations.
5. On 25 January 2000 the applicant submitted additional observations and a claim for compensation.
6. On 28 January 2000 the Chamber invited the respondent Party to submit additional observations regarding the applicant's compensation claim. The Chamber received these observations on 28 February 2000 and transmitted them to the applicant on 16 March 2000.
7. On 8 May 2001 the Chamber received a letter from the applicant containing further information on the civil proceedings in the case.
8. On 2 August 2001 the Chamber requested the respondent Party to submit further information regarding the civil proceedings. The respondent Party replied on 22 August 2001 and submitted additional information on 9 October 2001.
9. The Chamber deliberated on the admissibility and merits of the case on 8 September 2001, 10 October 2001 and 7 November 2001. It adopted the present decision on the latter date. Under Rule 21(1)(b) of the Rules of Procedure, Mr. Mato Tadić excused himself from participation in the deliberations as had been involved in the case in his then capacity of Federal Minister of Justice.

III. ESTABLISHMENT OF THE FACTS

10. The facts of this case are essentially not in dispute and may be summarised as follows.
11. The applicant has been a judge in Bihać since 1989. On 2 February 1995 she issued a decision ordering the Social Audit Service to pay a former employee of the Bihać Police Force monthly payments of 350 German Marks (DEM) out of the account of the Bihać Police.
12. The Bihać Police tried to stop the enforcement of this decision by ordering the Social Audit Service on several occasions, in writing signed by the Chief of Police, Edhem Bešić, not to make the payments. However, on 18 May 1995 the Social Audit Service informed the police that it was going to make the payments ordered by the First Instance Court (i.e., the applicant).

13. On 8 June 1995, around midnight, three men forced themselves into the applicant's apartment and dragged her, barefooted and dressed only in her nightdress, into a police car. They then drove to the city cemetery meanwhile beating her in the back of the car. There they dragged her out of the car, handcuffed her and continued beating her. Finally they removed the handcuffs and left her there. The applicant alleges that as a result of these events, she suffered the following injuries: broken teeth, a broken nose, a damaged eardrum and severe bruising and swelling of face and body.
14. On 28 July 1995 Emir Bešić, Abdulah Bešić and Hazim Kosovac were taken into detention on suspicion of having committed the above-mentioned assault. Emir Bešić and Abdulah Bešić are full cousins of the Chief of the Bihać Police Force, Edhem Bešić, who was replaced in July 1995. In addition, Emir Bešić was the Chief's personal driver and Hazim Kosovac his personal courier. On 5 September 1995 their detention was terminated.
15. On 18 October 1995 the Municipal Court in Bihać referred the case to the Municipal Court Cazin.
16. In Cazin hearings were scheduled for 19 December 1995, 22 January 1996, 4 March 1996, 4 April 1996, 9 May 1996, 25 November 1996, 16 December 1996, 20 January 1997, 28 May 1997, 25 June 1997, 27 August 1997, 23 September 1997, 24 June 1998 and 27 August 1998. However, the Court decided at each hearing that the requirements for proceeding were not met for various reasons (e.g., non-appearance of one or more of the lawyers and/or defendants, scheduling of hearings on national holidays, etc.) and postponed the proceedings each time.
17. On 24 September 1998 the first actual hearing took place. The next two hearings were scheduled for 15 October 1998 and 15 November 1998, but did not take place as one of the lawyers did not appear. On 17 November 1998 another hearing took place, followed by hearings on 15 December 1998, 28 January 1999 and 25 February 1999.
18. On 18 March 1999 the Municipal Court finally issued its decision, convicting Emir Bešić, Abdulah Bešić and Hazim Kosovac of the above-mentioned assault. On 13 July 1999 the Second Instance Court issued its decision in the case and the conviction became final and binding.
19. The applicant spoke to the police, the Municipal and Cantonal Prosecutor, the Investigative Judge and the Judge in charge about the possible involvement in the assault of the former Chief of Police, Edhem Bešić. She also addressed the President of the Canton, Mirsad Veladžić, the Chairman of the Presidency of Bosnia and Herzegovina, Alija Izetbegović, the Minister of Justice of the Una-Sana Canton, Mirza Karaberg, the Federal Minister of Justice, Mato Tadić, and his Deputy, Sead Hodžić. However, Edhem Bešić was not indicted. Finally, the applicant brought criminal charges before the Municipal Prosecutor's Office herself, on 1 October 1997.
20. On 15 March 1999 the Municipal Prosecutor in Bihać transmitted the applicant's request of 1 October 1997 and the investigation was opened by a procedural decision of the Municipal Court Bihać of 2 June 1999. During this investigation the witness Ahmet Šehović was heard. He stated that Edhem Bešić had ordered the perpetrators to liquidate the applicant. The Municipal Prosecutor still did not bring charges against Edhem Bešić, but submitted a request for further investigation. However, the investigation procedure ended by a procedural decision on termination of the procedure in light of the Law on Amnesty.
21. The applicant also filed an action for compensation of damages against the Una-Sana Canton, Emir Bešić, Abdulah Bešić, Hazim Kosovac and Edhem Bešić on 15 April 1998. Hearings were scheduled for 7 June 1999, 16 August 1999, 3 November 1999 and 1 December 1999, but did not take place because the defendants were not summoned correctly.
22. In February 2001 the Municipal Court in Bihać, on request of the Municipal Prosecutor's Office, asked the Supreme Court to refer the case to a court outside the Una-Sana Canton. The Supreme Court granted this request and referred the case to the Municipal Court Travnik, where it is currently pending. A hearing was scheduled for 19 September 2001. However, the proceedings were postponed until 31 October 2001.

IV. RELEVANT DOMESTIC LAW

A. Code of Criminal Procedure (Official Gazette of the Federation of Bosnia and Herzegovina – hereinafter “OG FBiH” -no. 43/98)

23. Article 139 paragraph 1(6) reads as follows:

“(6) The term “injured party” designates a person injured or threatened in some personal or property right or by a crime.”

24. Article 55 provides:

“(1) The injured party and the private prosecutor have the right during the examination to call attention to all facts and suggest evidence which has a bearing on establishing the crime, on finding the perpetrator of the crime or on establishing their claims under property law.

(2) In the main trial they have the right to propose evidence, to put questions to the accused, witnesses and expert witnesses, and to make remarks and present clarifications concerning their testimony, and also to make other statements and make other proposals.

(3) The injured party, the injured party as prosecutor and the private prosecutor have the right to examine the records and articles presented as evidence. ...

(4) The investigative judge and the presiding judge of the panel shall inform the injured party and private prosecutor of their rights as referred to in Paragraphs 1 through 3 of this article.”

25. Article 159 provides:

“(1) During the inquiry the parties and the defence counsel and the injured party may file motions with the investigative judge that certain investigative actions be taken. ...

(2) The principals and the defence counsel and the injured party may file the motions referred to in Paragraph 1 of this article either with the investigative judge or the law enforcement agency ordered to perform certain investigative actions. If the investigative judge or law enforcement agency does not concur in the motion, it shall so inform the proponent, who may file the same motion with the investigative judge of the competent court.”

B. Law on Civil Procedure (OG FBiH no. 42/98)

26. Article 10 reads as follows:

“The court is obliged to ensure that the proceedings are conducted without delay ... and not to allow any abuse of the rights attributed to the parties in the proceedings.”

27. Article 105 paragraph 1 provides:

“(1) The court may postpone a hearing if it is necessary in order to obtain evidence or for other justified reasons.”

V. COMPLAINTS

28. The applicant complains that the events of 8 June 1995 violated her rights as guaranteed by Articles 3 and 5 of the Convention. She further complains that the manner in which the criminal proceedings against Emir Bešić, Abdulah Bešić and Hazim Kosovac were conducted and the length of

these proceedings violated Article 6 of the Convention. She also alleges that the non-indictment of Edhem Bešić violated Article 6 of the Convention. Finally, the applicant complains of a violation of Article 6 of the Convention regarding the civil proceedings.

VI. SUBMISSIONS OF THE PARTIES

A. The respondent Party

29. The Federation of Bosnia and Herzegovina states that since the assault took place prior to 14 December 1995, the application should be declared inadmissible. It is further of the opinion that the applicant did not exhaust all domestic remedies since both the criminal and civil proceedings were still pending when the application was filed.

30. It further states that since it was not the respondent Party's organs that subjected the applicant to torture, inhuman or degrading treatment or punishment or deprived her of her liberty, there can be no violation by the respondent Party of Articles 3 and 5 of the Convention. The respondent Party is of the opinion that it is not responsible for the actions of individuals.

31. Regarding the length of the criminal proceedings, the respondent Party recalls that the court building in Cazin burned down in November 1998. According to the respondent Party, this caused a delay in the criminal proceedings, which cannot be said to be due to any fault of the respondent Party and therefore cannot be considered to constitute a violation of Article 6.

32. As to the civil proceedings, the respondent Party states that the first hearing was scheduled for 7 June 1999. The reason no hearing was scheduled before that date, was that the Court was awaiting the outcome of the criminal proceedings. Eight hearings were scheduled in total, but all postponed since the defendants were not summoned correctly.

33. As to the question, put to the respondent Party by the Chamber, why the Court waited three years to submit a request for referral to the Supreme Court, the respondent Party states that the Court thought it could deal with the case itself more promptly and efficiently than any other court and therefore did not request a referral *ex officio*. However, when the request for referral was received, the Court forwarded the case to the Supreme Court immediately. The Supreme Court decided to refer the case to the Municipal Court Travnik and the Municipal Court Bihać took care of this immediately as well. The case is now pending before the Municipal Court Travnik.

34. Finally, the respondent Party is of the opinion that the applicant's compensation claim that she submitted to the Chamber on 25 January 2000, was not filed within the given time-limit and is manifestly ill-founded.

B. The applicant

35. The applicant maintains her complaints and claims that the remedies available to her are ineffective. She also states that only part of the court building in Cazin burned down and that the Court continued to function normally. Furthermore, she states that the files relating to these criminal proceedings were not destroyed.

36. In light of the allegations of the applicant toward Edhem Bešić, she submitted information to the Chamber, indicating that Borislav Padjen, another Bihać judge, submitted a written statement to the President of the Court in which he stated that on 30 April 1994 the Chief of Police, Edhem Bešić, told him how to administer justice in order not to cause trouble for himself. The applicant states that soon after this occurred, the judge left Bihać. Furthermore, she states that Judge Predrag Ibrahimpašić was arrested in 1994 by the Chief of Police, Edhem Bešić.

VII. OPINION OF THE CHAMBER

A. Admissibility

37. Before considering the application on the merits the Chamber shall determine whether to accept it, taking into account the admissibility criteria set out in Article VIII of the Agreement.

1. The Chamber's competence *ratione temporis*

38. The Chamber notes that the applicant's complaints relate in part to the assault of 8 June 1995, thus to events which occurred before 14 December 1995, when the Agreement entered into force. In accordance with generally accepted principles of international law and the Chamber's own case-law, the Agreement cannot be applied retroactively (see case no. CH/96/1, *Matanović*, decision on admissibility of 13 September 1996, Decisions on Admissibility and Merits 1996-1997). The Chamber must confine its examination of the case to considering whether the human rights of the applicant have been violated or threatened with violation since that date (see case no. CH/97/30, *Damjanović*, decision on admissibility of 11 April 1997, paragraph 13, Decisions on Admissibility and Merits 1996-1997).

39. The Chamber has held in *Matanović (loc. cit.)* that the obligation on the Parties to the Annex 6 Agreement to ensure human rights "entails positive obligations to protect these rights." In the Chamber's opinion, this responsibility of the Parties to ensure and protect human rights means that the Parties have to provide not only the appropriate structures to guarantee the exercise of rights, but also appropriate means whereby violations will be prevented and, where necessary, punished. However, in the Chamber's view and in line with the case-law of the European Court of Human Rights (see Eur. Court HR, *Svinarenkov v. Estonia*, decision on admissibility of 15 February 2000 and *Kadikis v. Latvia*, decision on admissibility of 29 June 2000), this obligation applies only if the initial violation occurred after the entry into force of the Agreement (see case no. CH/96/15, *Grgić*, decision on the merits of 5 August 1997, paragraph 17, Decisions on Admissibility and Merits 1996-1997).

40. In light of the above, the Chamber finds that the application, in so far as it refers to the assault of 8 June 1995 and the positive obligations of the respondent Party to protect the rights of the applicant that are allegedly violated by this assault, therefore fall outside its competence *ratione temporis*.

2. The Chamber's competence *ratione materiae*

41. The relevant parts of Article 6 paragraph 1 of the Convention provide as follows:

"In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. ..."

42. The Chamber notes that Article 6 of the Convention does not indicate that the applicant, as a victim of a crime, has a viable claim under that Article (see also case no. CH/99/2150, *Unković*, decision on admissibility and merits of 9 November 2001, paragraph 87). The applicant herself has not been "charged" with an offence within the meaning of Article 6 of the Convention and it has not been shown that her "civil rights" would be determined in these criminal proceedings (see also case no. CH/98/981, *Galijašević*, decision on admissibility adopted 12 November 1998, paragraph 10, Decisions and Reports 1998). Although domestic law provides the applicant with the right to participate in criminal proceedings as an injured party (see paragraphs 23-25 above), this is not a right guaranteed by the Convention. The applicant's claim under Article 6 of the Convention, in so far as it concerns the criminal proceedings against Emir Bešić, Abdulah Bešić and Hazim Kosovac and the investigation into the role of Edhem Bešić in the assault of 8 June 1995, is therefore outside the scope of Article 6 of the Convention. The Chamber therefore finds this part of the application inadmissible, as it is incompatible with the Agreement *ratione materiae*.

3. Requirement to exhaust effective domestic remedies

43. According to Article VIII(2)(a) of the Agreement, the Chamber must consider whether effective remedies exist and whether the applicant has demonstrated that they have been exhausted. In the *Onić* case (case no. CH/97/58, decision on admissibility and merits delivered on 12 February 1999, paragraph 38, Decisions January-July 1999), the Chamber held that the domestic remedies available to an applicant “must be sufficiently certain not only in theory but (also) in practice, failing which they will lack the requisite accessibility and effectiveness (M)oreover, ... 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 ... but also of the general legal and political context in which they operate as well as of the personal circumstances of the applicants.”

44. The respondent Party objects to the admissibility of the application on the ground that the proceedings in the domestic courts were still pending at the time of the application. Therefore, it argues that the domestic remedies had not yet been exhausted.

45. In light of the Chamber’s findings mentioned in paragraphs 38–42 above, the Chamber will limit its consideration as to the requirement of exhaustion of the domestic remedies, to the civil proceedings.

46. As in *Cipot-Stojanović* (case no. CH/99/2239, decision on admissibility and merits of 9 June 2000, paragraph 34, Decisions January – June 2000), the Chamber takes the view that, as regards the applicant’s complaints relating to the length of the civil proceedings before the domestic courts, there are no domestic remedies at the applicant’s disposal which she could have been required to exhaust. It therefore follows that, in this regard, the respondent Party’s arguments must be rejected.

4. Conclusion as to admissibility

47. In so far as the applicant complains that her rights have been violated after 14 December 1995 in the civil proceedings, her complaints are within the competence of the Chamber *ratione temporis* and *ratione materiae* under Article VIII(2)(c) of the Agreement.

48. The Chamber finds no other reasons to declare the application inadmissible. It concludes therefore that the application should be accepted and examined on its merits in so far as it concerns the applicant’s complaint of a violation of her human rights in light of the allegedly unreasonable length of the civil proceedings.

B. Merits

49. Under Article XI of the Agreement the Chamber must next address the question whether the facts found disclose a breach by the Federation of Bosnia and Herzegovina of its obligations under the Agreement.

50. The applicant complains of the length of the civil proceedings that she initiated against the Una-Sana Canton, Emir Bešić, Abdulah Bešić, Hazim Kosovac and Edhem Bešić. She initiated these proceedings on 15 April 1998 and has not received a decision to date. The proceedings therefore have been pending for 3 years and 9 months and are still ongoing.

51. The reasonableness of the length of proceedings is to be assessed having regard to the criteria laid down by the Chamber, namely the complexity of the case, the conduct of the applicant and of the relevant authorities and the other circumstances of the case (see e.g. case no. CH/97/54, *Mitrović*, decision on admissibility of 10 June 1998, paragraph 10, Decisions and Reports 1998, with reference to the corresponding case-law of the European Court).

1. The complexity of the case

52. The case concerns the finding of liability of the Una-Sana Canton and four persons for damages suffered by the applicant. On 18 March 1999, i.e., 11 months after the applicant started

the civil proceedings, three of the five defendants were found guilty by the criminal court of having committed the crime that caused the damages complained of. On 13 July 1999 this conviction became final and binding. As a result, the civil case against these three men was not a complex one. All that remained to be ascertained, was the responsibility of the other two defendants for the crime committed. This question did not make the case so complex as to justify a delay in the proceedings of another two years and five months (as of the date of this decision).

2. The conduct of the applicant

53. On the basis of the information provided to the Chamber, there does not appear to be any conduct on the part of the applicant which could be considered to have contributed to the delay in the proceedings.

3. The conduct of the national authorities

54. The Chamber recalls that the applicant initiated civil proceedings against the above-mentioned persons and the Una-Sana Canton before the Municipal Court Bihać on 15 April 1998. In the course of 1999 several hearings were scheduled, but did not take place because, as the respondent Party has stated, the defendants were not summoned correctly. Not until February 2001, nearly three years after the proceedings were initiated, did anything substantial happen in the case, when the Municipal Court, in response to a request from the Public Prosecutor's Office, requested the Supreme Court to refer the case to a court outside of the Una-Sana Canton.

55. The respondent Party states that the reason for not scheduling a public hearing in the civil proceedings until 7 June 1999, 1 year and 2 months after the proceedings were initiated, was that the Municipal Court Bihać was awaiting the outcome of the criminal proceedings, as the Court could not proceed without the prior establishment of the guilt of the defendants. The Chamber notes that 14 hearings were scheduled in the criminal proceedings, over a period of 2 years and 8 months, each of the hearings being postponed. Only at the fifteenth hearing was the Municipal Court Cazin able to proceed to actually deal with the case on its merits. All in all, it took the authorities three years and eight months to issue a decision in the criminal case. The manner in which these criminal proceedings were conducted therefore added to great extent to the length of the proceedings in the civil case.

56. The Chamber further notes that once the Municipal Court Bihać did finally proceed to deal with the case in June 1999, the defendants were summoned incorrectly. This did not happen once, but four times over the course of the following six months, until December 1999. There is nothing in the Chamber's file that indicates that any hearings were scheduled in the case before the Municipal Court Bihać, nor that the case was being dealt with in any other way after December 1999, until February 2001 when the Court requested the Supreme Court to refer the case to a Court outside the Una-Sana Canton. Therefore, an additional 14 months passed during which the applicant's case was not being dealt with.

57. As to the question why a request for referral was not submitted by the Municipal Court Bihać immediately *ex officio*, the respondent Party stated that the Municipal Court Bihać was of the opinion that it could deal with the case more promptly and efficiently than any other court. Considering the way in which the Municipal Court Bihać in fact dealt with the case, the Chamber finds this statement unconvincing. Moreover, the same Court had declared itself incompetent in the criminal proceedings.

4. Conclusion

58. Having regard to the above, the Chamber considers that the delay in the civil proceedings can be considered to be entirely due to the conduct of the Municipal Court Bihać, for which the respondent Party is to be held responsible. Moreover, the length of the criminal trial, which is also imputable to the respondent Party, further contributed to the delay in the adjudication of the applicant's civil claim. The Chamber notes finally that, in light of the manner in which the criminal proceedings were conducted, it would have expected the Municipal Court Bihać to have been more expedient when dealing with the civil proceedings in this particular case.

59. The Chamber therefore finds that the length of time that the applicant's proceedings have been pending before the courts of the respondent Party is unreasonable and that the applicant's right to a fair trial within a reasonable time in the determination of a civil right guaranteed by Article 6 paragraph 1 of the Convention has been violated as a result.

VIII. REMEDIES

60. In accordance with Article XI(1)(b) of the Agreement, the Chamber must next address the question which steps should be taken by the respondent Party to remedy the established breaches of the Agreement. In this regard, the Chamber shall consider orders to cease and desist, pecuniary compensation and provisional measures.

61. The applicant submitted a claim for compensation to the Chamber. However, the claims made by the applicant relate only to damages suffered as a direct consequence of the assault of 8 June 1995. Since the Chamber has considered that the question whether the assault constitutes a violation of the applicant's rights guaranteed by the Convention falls outside its competence *ratione temporis*, it follows that the Chamber will not award any compensation for damages resulting from that assault.

62. The Chamber notes that it has found a violation of the applicant's right to a trial within a reasonable time as guaranteed by Article 6(1) of the Convention. It considers it appropriate to order the respondent Party to take all necessary steps to ensure that the applicant's proceedings are decided upon expeditiously by the Municipal Court Travnik and that the continued proceedings are conducted entirely in accordance with the applicant's rights as guaranteed by the Agreement.

63. Furthermore, the Chamber *proprio motu* considers it appropriate to award a sum to the applicant in recognition of the sense of injustice she has suffered as a result of her inability to have her case decided before the domestic organs.

64. Accordingly, the Chamber will order the respondent Party to pay to the applicant the sum of 5,000 (five thousand) Convertible Marks (*Konvertibilnih Maraka*; "KM") in recognition of her suffering as a result of her inability to have her case decided within a reasonable time. The sum should be paid to the applicant, at the latest, within one month from the date on which this decision becomes final and binding in accordance with Rule 66 of the Chamber's Rules of Procedure.

65. The Chamber further awards simple interest at an annual rate of 10 per cent as of the date of the expiry of the one month period set in paragraph 64 for the implementation of the present decision, on the sum awarded in paragraph 64 or any unpaid portion thereof until the date of settlement in full.

IX. CONCLUSIONS

66. For the above reasons, the Chamber decides,

1. unanimously, to declare admissible the application under Article 6 of the European Convention on Human Rights in so far as it relates to the civil proceedings initiated by the applicant against the Una-Sana Canton, Emir Bešić, Abdulah Bešić, Hazim Kosovac and Edhem Bešić on 15 April 1998;

2. unanimously, to declare inadmissible the application under Articles 3 and 5 of the Convention as outside its competence *ratione temporis*;

3. unanimously, to declare inadmissible the application under Article 6 of the Convention in so far as it relates to the criminal proceedings as outside its competence *ratione materiae*;

4. unanimously, that the civil proceedings were not concluded within a reasonable time and that there has been a violation of Article 6 paragraph 1 of the Convention in this respect, the Federation of Bosnia and Herzegovina thereby being in breach of Article I of the Human Rights Agreement;
5. unanimously, to order the Federation of Bosnia and Herzegovina to take all necessary steps to ensure that the applicant's proceedings before the Municipal Court Travnik are decided upon expeditiously and in accordance with the applicant's rights as guaranteed by the Agreement;
6. unanimously, to order the Federation of Bosnia and Herzegovina to pay to the applicant not later than one month after the date when this decision becomes final and binding in accordance with Rule 66 of the Chamber's Rules of Procedure the sum of 5,000 (five thousand) Convertible Marks (*Konvertibilnih Maraka*) by way of compensation for non-pecuniary damage;
7. unanimously, to order that simple interest at an annual rate of 10 (ten) per cent will be payable on the amount, or any unpaid portion thereof, awarded in conclusion 6 above outstanding to the applicant at the end of the period set out in that conclusion for such payment; and
8. unanimously, to order the Federation of Bosnia and Herzegovina to report to it no later than six months after this decision becomes final and binding in accordance with Rule 66 of the Chamber's Rules of Procedure, on the steps taken by it to comply with the above orders.

(signed)
Ulrich GARMS
Registrar of the Chamber

(signed)
Giovanni GRASSO
President of the Second Panel