DECISION ON ADMISSIBILITY AND MERITS

(delivered on 7 February 2003)

Case no. CH/01/8529

Andrija MARIJANOVIĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 5 February 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 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 case concerns the attempts of the applicant to have his assets, which were confiscated during the armed conflict by the Army of Bosnia and Herzegovina, returned to him or compensated.

2. The case raises issues under Article 6 paragraph 1 (right to a fair hearing) of the European Convention on Human Rights (the "Convention") and Article 1 of Protocol No. 1 (right to peaceful enjoyment of possessions) to the Convention.

II. PROCEEDINGS BEFORE THE CHAMBER

3. The application was received and registered on 6 December 2001. The applicant requested the Chamber to order the respondent Party, as a provisional measure, to set aside the procedural decision of the Cantonal Court in Zenica of 21 November 2001 and to declare the judgment of the Municipal Court in Žepče of 2 December 1999 valid. In the application, the applicant requested compensation for lost earnings in an unspecified amount.

4. On 8 April 2002, the Chamber rejected the request for an order for provisional measures.

5. On 17 May 2002, the case was transmitted to the respondent Party for its observations on the admissibility and merits with respect to Article 6 of the Convention and Article 1 of Protocol No. 1 to the Convention.

6. On 21 June 2002, the respondent Party submitted written observations, which were transmitted to the applicant on 28 June 2002.

7. On 11 July 2002, the applicant submitted his reply to the respondent Party's written observations. On 13 September 2002 and 8 November 2002, the Chamber received letters from the applicant in which he requested the Chamber to issue a decision in his case as soon as possible.

8. The Chamber deliberated on the admissibility and merits of the application on 4 December 2002, 10 January 2003 and 5 February 2003. On the latter date, the Chamber adopted the present decision on admissibility and merits.

III. STATEMENT OF THE FACTS

9. In 1993, the 3rd Corps of the Army Headquarters of Bosnia and Herzegovina (hereinafter: the 3rd Corps) confiscated material assets of the applicant. These assets consisted — among other things — of a motor vehicle and a trailer.

10. On 16 June 1994, the applicant requested the Embassy of Bosnia and Herzegovina in Zagreb, Croatia, to have these assets returned to him. After the Embassy forwarded his letter to the Martial Court, the 3rd Corps declared that the assets could not be returned.

11. On 27 June 1996, the applicant filed a request with the Ministry of Defence of the Federation of Bosnia and Herzegovina in Zenica to have his confiscated assets returned to him.

12. On 23 August 1996, on the applicant's request, the Office of the Ombudsman of the Federation of Bosnia and Herzegovina in Zenica sent a request to the Ministry of Defence of the Federation of Bosnia and Herzegovina and the 3rd Corps in Zenica. On 28 September 1996, the Ministry of Defence of the Federation of Bosnia and Herzegovina replied that the vehicles in question were listed in the Army records.

13. On 5 November 1996, the applicant submitted a request to the Secretariat of Defence in Zenica to have his assets returned to him or compensated provided to him for them.

14. On 2 December 1996, the Secretariat of Defence in Zenica replied to the applicant that it is not competent to deal with the applicant's request, as it had not carried out the confiscation.

15. On 9 September 1997, the 3rd Corps returned the motor vehicle and the trailer to the applicant. At the time when the applicant received these assets, they were destroyed and written off.

16. On 2 December 1998, the applicant initiated proceedings before the Municipal Court in Žepče to obtain compensation from the Federation of Bosnia and Herzegovina and the Ministry of Defence of the Federation of Bosnia and Herzegovina for the damaged motor vehicle and trailer.

17. On 2 December 1999, the Municipal Court in Žepče issued a decision ordering the Federation of Bosnia and Herzegovina, the Ministry of Defence of the Federation of Bosnia and Herzegovina to pay the amount of 27,954.25 KM, plus legal interest, to the applicant by way of compensation.

18. The Federation of Bosnia and Herzegovina, the Ministry of Defence of the Federation of Bosnia and Herzegovina appealed against the decision of 2 December 1999.

19. On 1 December 2000, the Cantonal Court in Zenica issued a procedural decision cancelling the decision of the Municipal Court in Žepče and returning the case to the Municipal Court for renewed proceedings because the Municipal Court had not decided upon all the complaints that were raised by the defendant.

20. On 9 March 2001, the Municipal Court in Žepče issued a judgment in which it ordered the Federation of Bosnia and Herzegovina, the Ministry of Defence of the Federation of Bosnia and Herzegovina to pay the amount of 27,954.25 KM, plus legal interest, to the applicant by way of compensation.

21. The Federation of Bosnia and Herzegovina, the Ministry of Defence of the Federation of Bosnia and Herzegovina appealed against the decision of 9 March 2001.

22. On 21 November 2001, the Cantonal Court in Zenica issued a procedural decision, once again, cancelling the decision of the Municipal Court in Žepče and returning the case to the Municipal Court for renewed proceedings. This decision was based on the grounds that the Municipal Court violated Article 74 of the Law on Civil Proceedings and that the Municipal Court failed to comply with the decision of 1 December 2000.

23. On 26 December 2002, the Chamber received additional written observations from the respondent Party, in which it provided information that the Municipal Court in Žepče scheduled a hearing in the applicant's case on 21 January 2003.

IV. RELEVANT LEGISLATION

A. Law on Civil Proceedings

24. The Law on Civil Proceedings (Official Gazette of the Federation of Bosnia and Herzegovina nos. 42/98, 3/99) regulates — among other things — the quality and capacity of persons to act as parties during civil proceedings.

25. Article 74 provides as follows:

> "All the time during the proceedings, the court shall, *ex officio*, make sure that the person who acts as a party actually is legally allowed to act as a party and that he/she is capable to take part in the proceedings, *i.e.*, whether the incapable party is represented by his legal representative, and whether the legal representative has all appropriate authorisations when such authorisations are required."

26. Article 75 provides as follows:

"When the court establishes that the person who appears as a party cannot be a party in the proceedings, and that this fault can be removed, it shall call the plaintiff to make some changes to the claims, or it shall undertake other measures to enable the continuance of the proceedings with a person who is eligible to be a party in the proceedings."

B. The Decree on Criteria and Standards of Deployment of Citizens and Resources to the Armed Forces and for Other Needs of Defence

27. In accordance with the Law on Defence (Official Gazette of the Republic of Bosnia and Herzegovina — hereinafter "OG RBiH" — nos. 4/92 and 9/92), the Government of the Republic of Bosnia and Herzegovina enacted the Decree on Criteria and Standards of Deployment of Citizens and Resources to the Armed Forces and for Other Needs of Defence (OG RBiH no. 19/92) providing that the persons whose resources were used, damaged or lost when confiscated are entitled to compensation. This Decree also provides for the procedures to determine the amount of compensation to be awarded and the establishment of damage.

28. Article 82, insofar as relevant, provides as follows:

"Compensation referred to in Article 77, 78 and 79 of this Decree shall be paid to the owners of resources who utilised those resources. Such compensation shall be calculated and paid *ex officio* or following a request by the owner of the resources (...)."

"Compensation under paragraph 1 of this Article shall be calculated and paid as follows:

- For the means exempted for the needs of armed forces – the Defence Headquarters of social-political community, which submitted the request for the exemption of means".

29. Article 86 provides as follows:

"The compensation amount referred to in Articles 77, 78 and 79 of this Decree shall be determined by a commission composed of three members, established by the municipal secretariat that ordered the seizure of the resources.

"The compensation referred to in paragraph 1 of this Article shall be determined by a procedural decision.

"An appeal may be filed against the procedural decision referred to in paragraph 2 of this Article to the Ministry of Defence within 15 days from the day of receipt of the procedural decision.

"The procedural decision issued following the appeal is final."

30. Article 87 provides as follows:

"If the resources referred to in Articles 53, 66 and 75 of this Decree, except for perishable resources, are destroyed or damaged or go missing during the period of utilisation by the users of those resources, then the owner of those resources is entitled to compensation for sustained damage pursuant to general rules on compensation for damage."

31. Article 88, insofar as relevant, provides as follows:

"The existence of damage and the amount of compensation for damaged, destroyed or missing resources shall be established by a commission composed of three members formed by the competent body of the user of those resources, who utilised those resources as follows:

1. the municipal secretariat – for resources seized for the needs of armed forces, civil protection, surveillance and information service, communication and crypto-protection units, as well as the organs of the state; (...)."

32. Article 89 provides as follows:

"The procedure for establishing the existence of damage and realising the compensation referred to in Article 87 of this Decree shall be initiated *ex officio* or following a request by the owner of the resources.

"In the procedure for establishing the existence of damage and its amount, the bodies referred to in Article 88 paragraph 1 of this Decree shall, in accordance with the finding of the commission, try and conclude an agreement with the injured person concerning damage compensation, but in case an agreement cannot be concluded, those bodies shall either decide about the amount of compensation or refuse the claim for compensation by issuing a procedural decision.

"A procedural decision of the body referred to in paragraph 2 of this Article is final.

"The owner of resources may, if not satisfied with the decision contained in the procedural decision referred to in paragraph 2 of this Article, within 30 days from the day of receipt of such procedural decision, initiate proceedings before a competent regular court in order to effectuate damage compensation."

V. COMPLAINTS

33. The applicant complains that the respondent Party violated his right to compensation, his right to work, his right to welfare, and his right to a pension. The applicant further complains that his right to legal protection of his civil rights has been violated. Finally, he alleges that the respondent Party caused damage to his property.

VI. SUBMISSIONS OF THE PARTIES

A. The respondent Party

34. In its submissions of 21 June 2002, the respondent Party argues with respect to the admissibility that the application is inadmissible *ratione temporis* as the assets were confiscated by the Army of Bosnia and Herzegovina in June 1993. The respondent Party further alleges that the applicant has failed to exhaust domestic remedies and has not complied with the six-months rule.

35. As to the merits, the respondent Party argues that the applicant's complaints are ill-founded. According to the respondent Party, Article 6 of the Convention was not violated since the reasons for the length of the proceedings are attributable to the applicant's conduct. Since this is a complex case, especially with regard to the facts, the applicant should have provided more evidence with regard to the confiscation. The respondent Party further contends that the Cantonal Court acted according to the law when it referred the case back to the Municipal Court. With regard to Article 1 of Protocol No. 1, the respondent Party states that it did not violate the applicant's right since the confiscation was in accordance with the law, in the public interest, and in accordance with general principles of international law.

B. The applicant

36. With regard to the respondent Party's observations, the applicant points out that there is a certificate that the assets for which he claims compensation were in the military record of the 3rd Corps. Also, the 3rd Corps, on 9 September 1997, issued a certificate for return of the material assets. The applicant further states that the respondent Party's bodies did not act pursuant to the Decree on Criteria and Standards of Deployment of Citizens and Resources to the Armed Forces and for Other Needs of Defence, and that they did not report the confiscated assets to the Ministry of Defence of the Federation of Bosnia and Herzegovina, which was supposed to make a certificate for the assets. The applicant alleges that he insisted — in vain — on having this certificate issued by the bodies of the respondent Party. However, the Cantonal Court did not qualify this conduct of the respondent Party as unlawful.

VII. OPINION OF THE CHAMBER

A. Admissibility

37. The respondent Party has argued that the applicant has not exhausted domestic remedies since he filed his application to the Chamber while the proceedings are still pending before the competent domestic bodies.

38. 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: (a) "Whether effective remedies exist, and the applicant has demonstrated that they have been exhausted..." and "... that the application has been filed with the Commission within six months from such date on which the final decision was taken."

1. Exhaustion of domestic remedies

39. In the *Blentić* case (case no. CH/96/17, *Blentić*, 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 Article 26 of the Convention (presently Article 35 of the Convention, as amended by Protocol No. 11 to the Convention). The European Court of Human Rights (the "Court") 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 the personal circumstances of the applicants.

40. In the present case the Federation of Bosnia and Herzegovina objects to the admissibility of the application on the ground that the applicant initiated court proceedings and prior to the final outcome of these proceedings, he filed his application with the Chamber. Whilst the civil proceedings afford remedies which might in principle qualify as effective ones within the meaning of Article VIII(2)(a) of the Agreement, insofar as the applicant is seeking to have his assets returned or compensated provided to him, the Chamber must ascertain whether, in the case now before it, these remedies can also be considered effective in practice.

41. The Chamber observes that the essence of the applicant's claim with regard to his property concerns the over-all length of all the proceedings to attempt to obtain the return of or compensation for his confiscated assets. Since the applicant, after having initiated proceedings on 27 June 1996 before the organs of the Municipality, on 2 December 1998 initiated proceedings before the Municipal Court, and since these proceedings are still not concluded, the Chamber finds that in this specific case these proceedings cannot be considered effective.

42. In these particular circumstances, the Chamber is satisfied that the applicant could not be

required to exhaust, for the purposes of Article VIII(2)(a) of the Agreement, any further remedy provided by domestic law. The Chamber will therefore reject this basis for declaring the application inadmissible.

2. The six-months rule

43. The respondent Party has further argued that the application should be declared inadmissible because it was not submitted to the Chamber within the time limit of six months after the issuance of the final decision by domestic bodies.

44. The Chamber notes that the Cantonal Court in Zenica on 21 November 2001 issued a decision. However, since the proceedings are still pending, no "final" decision for the purposes of Article VIII(2)(a) of the Agreement (see paragraph 38 above) has been issued. Accordingly, the application does comply with the requirements of Article VIII(2)(a) of the Agreement. The Chamber will therefore reject this basis for declaring the application inadmissible.

3. Admissibility *ratione temporis*

45. In accordance with Article VIII(2) of the Agreement, "The Chamber shall decide which applications to accept... In doing so, 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."

46. The respondent Party has argued that the applicant's complaints concern the confiscation of his goods and since this event took place before the Agreement entered into force, the application should be declared inadmissible.

47. The Chamber notes, however, that the applicant is not complaining about the act of confiscation. The application concerns his attempts to have his confiscated assets returned to him and to be compensated for his property, which was damaged after it was confiscated. Since the applicant's first request to have his assets returned was made in 1994, the applicant's complaints partly relate to a period prior to 14 December 1995, which is the date on which the Agreement entered into force. However, the Agreement only governs facts subsequent to its entry into force. It follows that the application is incompatible *ratione temporis* with the provisions of the Agreement, within the meaning of Article VIII(2)(c), insofar as the complaints relate to proceedings which were initiated and pending prior to 14 December 1995. The Chamber therefore decides to declare the part of the application that relates to proceedings prior to 14 December 1995 inadmissible.

4. The right to work, the right to welfare and the right to pension

48. The applicant alleged that the respondent Party violated his right to work, welfare and a pension. However, the applicant did not substantiate these allegations. Therefore, the Chamber finds that this part of the application does not disclose any appearance of a violation of the rights and freedoms guaranteed under the Agreement. It follows that this part of the application is manifestly ill-founded, within the meaning of Article VIII(2)(c) of the Agreement (see paragraph 45 above). The Chamber therefore decides to declare this part of the application inadmissible.

5. Conclusion as to admissibility

49. The Chamber decides to declare the application inadmissible with regard to the applicant's claims concerning the right to work, the right to welfare and the right to a pension. The Chamber also decides to declare the part of the application relating to proceedings prior to 14 December 1995 inadmissible. However, the Chamber decides to declare the remainder of the application admissible since no other grounds for declaring the application inadmissible have been established.

B. Merits

50. Under Article XI of the Agreement, the Chamber must next address the question of 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 6 of the Convention

51. The applicant complains about the length of his proceedings to have his damaged assets compensated. The respondent Party argues that the period of time to be considered in examining a potential violation of Article 6 paragraph 1 of the Convention was prolonged because of the complexity of the case and the applicant's conduct.

52. Article 6 of the Convention, insofar as relevant to the present case, reads as follows:

> "1. 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...."

53. Noting that the pending proceedings concern the applicant's right to have his assets which were confiscated during the armed conflict compensated, the Chamber finds that these proceedings relate to the determination of his "civil rights and obligations", within the meaning of Article 6 paragraph 1 of the Convention. Accordingly, that provision is applicable to the proceedings in the present case.

54. The first step in establishing the length of the proceedings is to determine the period of time to be considered. The Chamber finds that, considering its competence *ratione temporis,* it can assess the reasonableness of the length of the proceedings only with regard to the period after 14 December 1995. It may, however, take into account what stage the proceedings had reached and how long they had lasted before that date.

55. According to the Decree on Criteria and Standards of Deployment of Citizens and Resources to the Armed Forces and for Other Needs of Defence, a person who wants to be compensated because his resources were used, damaged or lost when confiscated**,** is obliged to initiate proceedings before the organs of the Municipality before Court proceedings can be initiated. Therefore, the Chamber finds that for the purpose of Article 6 paragraph 1 of the Convention, the period of time to be considered starts on the date on which an applicant initiates these proceedings. In the present case, the attempts of the applicant to have his assets returned or compensated already had lasted at least one year when the Agreement entered into force. On 1 December 2000, the Cantonal Court in Zenica cancelled the decision of the Municipal Court in Žepče and referred the case back to this Court. The Municipal Court, in these renewed proceedings, issued a decision on 9 March 2001. On 21 November 2001, the Cantonal Court in Zenica issued a decision by which the applicant's case was sent back to the first instance court for the second time. Since the Law on Civil Proceedings does not provide for a possibility for the Cantonal Court to correct procedural errors it established in a decision of the Municipal Court, it follows as a matter of course that the Cantonal Court had to refer the case back. To sum up, due to a great extent to the fact that since in the present case the Cantonal Court found errors in the first instance court decision and so it was not competent to issue a decision on the merits, the total proceedings have lasted, after 14 December 1995, seven years. Moreover, the case has been pending before the courts for four years, and as of the date of this decision, it is still pending.

56. 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 of Human Rights).

57. The Chamber notes that the issue in the underlying case is whether or not some of the applicant's goods were confiscated during the armed conflict and whether or not the applicant, as a consequence of such confiscation, is entitled to restitution of goods or compensation. The case does not seem to the Chamber to be so complex as to require over seven years of proceedings. The Chamber especially notes that it is undisputed that in 1993, the 3rd Corps affirmed to the applicant that the assets, which are the subject of the current proceedings before the domestic courts, were registered in the Army records. It is also undisputed that on 9 September 1997, the 3rd Corps returned to the applicant a motor vehicle and a trailer, which had been confiscated during the armed conflict. The Chamber further notes that the respondent Party did not dispute the statement of the applicant that these goods were completely destroyed at the time that they were returned to him. Accordingly, the Chamber finds no reason why, after all these years, the proceedings are still not concluded.

58. As to the conduct of the applicant, the respondent Party did not argue that the applicant has failed to pursue the various procedures available to him in an expeditious manner. The Chamber cannot find any evidence that any conduct of the applicant has served to prolong the proceedings.

59. The courts in this case, however, have not met their responsibility to ensure that the proceedings have been expedited in a reasonable time. In particular, since the Law on Civil Proceedings does not provide for a possibility for a second instance court to settle a case on the merits if the first instance court makes procedural errors, and since the Municipal Court in the current case failed to comply with the directions of the Cantonal Court, the Chamber finds that their conduct caused an unnecessary delay in the over-all proceedings. Due to this failure of the courts to conclude the proceedings, while having in mind the Army records and the return of the goods in question to the applicant in 1997, the applicant has been in a state of uncertainty with regard to his property for a prolonged time.

60. In view of the above, the Chamber finds that the respondent Party violated Article 6 paragraph 1 of the Convention in that the proceedings in the applicant's case have not been determined within a reasonable time.

2. Article 1 of Protocol No. 1 to the Convention

61. 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."

62. The Chamber, considering that it has found a violation of the applicant's right protected by Article 6 paragraph 1 of the Convention with regard to the length of proceedings, does not consider it necessary to separately examine the application under Article 1 of Protocol No. 1 to the Convention.

VIII. REMEDIES

63. Under Article XI(1)(b) of the Agreement, the Chamber must address the question of what steps shall be taken by the Federation of Bosnia and Herzegovina to remedy the established breaches of the Agreement. In this regard, the Chamber shall consider issuing orders to cease and desist and for monetary relief.

64. The applicant requested compensation for pecuniary damages related to lost earnings in an unspecified amount. However, the Chamber can only award compensation if it makes a finding of a violation of the Agreement. Since the Chamber will declare the part of the application related to the right to work inadmissible, the Chamber cannot award compensation for this alleged damage.

65. The Chamber notes that it has found a violation with regard to the length of proceedings. Since the Cantonal Court on 21 November 2001 again cancelled the Municipal Court decision because the Municipal Court made procedural errors, the Chamber notes that these errors should be repaired in order to take a decision on the merits which, if necessary, can be judged by the Cantonal Court. Since the applicant's case has — once again — been referred back to the Municipal Court in Žepče, the Chamber considers it appropriate to order the respondent Party to take all necessary steps to promptly conclude the pending civil proceedings, taking into account that the assets were registered as confiscated in the Army records and that the assets in question were returned to the applicant on 9 September 1997.

66. Furthermore, the Chamber considers it appropriate to award a sum to the applicant in recognition of the sense of injustice he has suffered as a result of his inability to have his case decided within a reasonable time.

67. Accordingly, the Chamber will order the respondent Party to pay to the applicant the sum of 1,000 Convertible Marks (*Konvertibilnih Maraka*) in non-pecuniary damages in recognition of his suffering as a result of his inability to have his case decided within a reasonable time.

68. Additionally, the Chamber further awards simple interest at an annual rate of 10% on the sum awarded to be paid to the applicant in the preceding paragraph. The interest shall be paid as of 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 on the sum awarded or any unpaid portion thereof until the date of settlement in full.

IX. CONCLUSIONS

69. For these reasons, the Chamber decides,

1. unanimously, to declare inadmissible the part of the application relating to the applicant's claims of the right to work, the right to welfare and the right to a pension;

2. unanimously, to declare inadmissible the part of the application relating to the applicant's proceedings prior to 14 December 1995;

3. unanimously, to declare admissible the remainder of the application;

4. unanimously, that there has been a violation of the applicant's rights under Article 6 paragraph 1 of the European Convention on Human Rights with regard to the length of proceedings, the Federation of Bosnia and Herzegovina thereby being in breach of Article I of the Human Rights Agreement;

5. unanimously, that it is not necessary to examine the application under Article 1 of Protocol No. 1 to the Convention;

6. unanimously, to order the Federation of Bosnia and Herzegovina, through its authorities, to take all necessary steps to promptly conclude the pending civil proceedings;

7. unanimously, to order the Federation of Bosnia and Herzegovina to pay to the applicant, no later than one month after the date on which this decision becomes final and binding in accordance with Rule 66 of the Chamber's Rules of Procedure, one thousand (1,000) Convertible Marks ("*Konvertibilnih Maraka*") by way of compensation for non-pecuniary damages;

8. unanimously, to order the Federation of Bosnia and Herzegovina to pay simple interest at the rate of 10 (ten) per cent per annum over the above sum or any unpaid portion thereof from the date of expiry of the above one-month period until the date of settlement in full; and

9. unanimously, to order the Federation of Bosnia and Herzegovina to report to it no later than three months after the date on which 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)
Michèle PICARD
President of the First Panel