DECISION ON ADMISSIBILITY AND MERITS

(delivered on 10 October 2003)

Case no. CH/01/8121

Milan JANKOVIĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA
and
THE REPUBLIKA SRPSKA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 4 September 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 applicant's compensation claim for the fact that he was captured as a soldier of the Republika Srpska Army by the Army of the Republic of Bosnia and Herzegovina and then held in detention on the territory of the Federation of Bosnia and Herzegovina until 24 December 1995. The applicant alleges that he was physically and mentally maltreated during his captivity and that as a result he suffered permanent damage to his health. The applicant was recognised as a 70% disabled veteran of the war as a result of his captivity.

2. In August 1999 he applied to the courts in the Republika Srpska and in October 1999 to the courts in the Federation of Bosnia and Herzegovina for compensation. On 10 February 2000, the Municipal Court II in Sarajevo refused to decide on the claims. It declared itself incompetent and referred the applicant instead to the "Human Rights Commission" formed under Annex 6 of the General Framework Agreement for Peace in Bosnia and Herzegovina. The First Instance Court in Banja Luka did not deal with the applicant's case until May 2003, when it held a first hearing in the case. To date the case is still pending before the First Instance Court in Banja Luka.

3. The case mainly raises issues under Article 6 paragraph 1 of the European Convention on Human Rights ("the Convention"), that is, the right to "a public hearing within reasonable time".

II. PROCEEDINGS BEFORE THE CHAMBER

4. The application was received and registered on 10 December 2001.

5. On 6 April 2003, the applicant, upon request from the Chamber, submitted a copy of his application to the First Instance Court in Banja Luka, stamped by the Court.

6. On 13 May 2003, the case was transmitted to the Republika Srpska for its observations on admissibility and merits with respect to Article 6 paragraph 1 of the Convention. The case was not transmitted to the Federation of Bosnia and Herzegovina.

7. On 13 June 2003, the Chamber received written observations from the Republika Srpska on the admissibility and merits of the application.

8. The Chamber deliberated on the admissibility and merits of the application on 10 January, 6 May, 4 July, and 4 September 2003. On the latter date the Chamber adopted the present decision on admissibility and merits.

III. ESTABLISHMENT OF THE FACTS

9. On 21 September 1995, the applicant was captured as a soldier of the Army of the Republika Srpska by the Army of the Republic of Bosnia and Herzegovina in Zavidovići on the territory of the Federation of Bosnia and Herzegovina. from where he was transferred as a prisoner of war to the Correctional Institute in Zenica. He was then held in detention until 24 December 1995, when he was released with the help of the International Committee of the Red Cross ("ICRC"). The applicant claims that he was maltreated and forced to work during his captivity. As a result of the detention, the applicant allegedly suffered permanent damage to his health. He submitted several medical documents according to which several of his ribs were broken in 1995. The documents further certify that he suffers from post-traumatic depression and mental retardation (IQ 66 or 68). The competent authority in the Republika Srpska declared the applicant to be a disabled veteran of war with 70% disability.

10. On 3 August 1999, the applicant initiated proceedings before the First Instance Court in Banja Luka in the Republika Srpska requesting compensation for the damage he suffered due to his detention at the end of 1995. He based his claim on the fact that he was mobilized by the Armed Forces of the Republika Srpska; therefore, under the Law on Obligations, the Republika Srpska, which placed him in danger, is responsible for what happened to him.

11. On 7 October 1999, the applicant also addressed the Municipal Court II in Sarajevo with a request for compensation for his suffering during his detention in 1995 on the territory of the Federation basing his claims on the Law on Obligations and the Code of Criminal Procedure.

12. On 10 February 2000, the Municipal Court II in Sarajevo issued a decision refusing to decide on the claim. It declared itself incompetent and referred the applicant instead to the "Human Rights Commission" formed under Annex 6 of the General Framework Agreement for Peace in Bosnia and Herzegovina. It appears that the applicant did not appeal against this decision.

13. On 23 May 2003, the First Instance Court in Banja Luka held the first hearing in the applicant's case for compensation. A second hearing was scheduled for a time after an expert was heard to establish whether and to what extent permanent damage to the applicant's health exists.

IV. RELEVANT LEGAL PROVISIONS

A. Annex 1A Agreement on the Military Aspects of the Peace Settlement to the General Framework Agreement for Peace in Bosnia and Herzegovina

14. The General Framework Agreement for Peace in Bosnia and Herzegovina and its Annexes came into force on 14 December 1995. Its Annex 1A regulates the military aspects of the peace agreement which include provisions on the release and transfer of prisoners of war.

15. Article 1 paragraph 1 sets out the general obligations and reads as follows:

> "The Republic of Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina, and the Republika Srpska (hereinafter the "Parties") have agreed as follows:
>
> Article I: General Obligations
>
> 1. The Parties undertake to recreate as quickly as possible normal conditions of life in Bosnia and Herzegovina. They understand that this requires a major contribution on their part in which they will make strenuous efforts to cooperate with each other and with the international organizations and agencies which are assisting them on the ground. They welcome the willingness of the international community to send to the region, for a period of approximately one year, a force to assist in implementation of the territorial and other militarily related provisions of the agreement as described herein.
>   a. The United Nations Security Council is invited to adopt a resolution by which it will authorize Member States or regional organizations and arrangements to establish a multinational military Implementation Force (hereinafter "IFOR"). The Parties understand and agree that this Implementation Force may be composed of ground, air and maritime units from NATO and non-NATO nations, deployed to Bosnia and Herzegovina to help ensure compliance with the provisions of this Agreement (hereinafter "Annex"). The Parties understand and agree that the IFOR will begin the implementation of the military aspects of this Annex upon the transfer of authority from the UNPROFOR Commander to the IFOR Commander (hereinafter "Transfer of Authority"), and that until the Transfer of Authority, UNPROFOR will continue to exercise its mandate. …"

16. The Transfer of Authority from the UNPROFOR Commander to the IFOR Commander took place at the beginning of February 1996.

17. Article IX of Annex 1A to the General Framework Agreement for Peace in Bosnia and Herzegovina deals with the question of prisoners of war. It reads as follows:

> "Prisoner Exchanges

1. The Parties shall release and transfer without delay all combatants and civilians held in relation to the conflict (hereinafter "prisoners"), in conformity with international humanitarian law and the provisions of this Article.
    a. The Parties shall be bound by and implement such plan for release and transfer of all prisoners as may be developed by the ICRC, after consultation with the Parties.
    b. The Parties shall cooperate fully with the ICRC and facilitate its work in implementing and monitoring the plan for release and transfer of prisoners.
    c. No later than thirty (30) days after the Transfer of Authority, the Parties shall release and transfer all prisoners held by them.
    d. In order to expedite this process, no later than twenty-one (21) days after this Annex enters into force, the Parties shall draw up comprehensive lists of prisoners and shall provide such lists to the ICRC, to the other Parties, and to the Joint Military Commission and the High Representative. These lists shall identify prisoners by nationality, name, rank (if any) and any internment or military serial number, to the extent applicable.
    e. The Parties shall ensure that the ICRC enjoys full and unimpeded access to all places where prisoners are kept and to all prisoners. The Parties shall permit the ICRC to privately interview each prisoner at least forty-eight (48) hours prior to his or her release for the purpose of implementing and monitoring the plan, including determination of the onward destination of each prisoner.
    f. The Parties shall take no reprisals against any prisoner or his/her family in the event that a prisoner refuses to be transferred.
    g. Notwithstanding the above provisions, each Party shall comply with any order or request of the International Tribunal for the Former Yugoslavia for the arrest, detention, surrender of or access to persons who would otherwise be released and transferred under this Article, but who are accused of violations within the jurisdiction of the Tribunal. Each Party must detain persons reasonably suspected of such violations for a period of time sufficient to permit appropriate consultation with Tribunal authorities. …. "

B. Law on Obligations

18. Articles 195 and 200 of the Law on Obligations (Official Gazette of the Socialist Federal Republic of Yugoslavia nos. 29/78, 39/85, 45/89 and 57/89) provide for the possibility to claim in civil proceedings pecuniary and non-pecuniary damages suffered in case of bodily injury or impairment of health.

19. Article 195 reads as follows:

"(1) Whoever inflicts bodily injury or impairs someone's health is under the obligation to reimburse the medical expenses to that person and other necessary costs and expenses in this regard as well as the income lost because of that person's inability to work during the time of his or her medical treatment.

(2) If the injured person, due to his or her complete or partial inability to work, loses income, or his or her necessities increase permanently, or the possibilities of his or her further development or advancement are ruined or reduced, then the responsible person is under the obligation to pay to the injured person a fixed annuity as compensation for that damage."

20. Article 200 reads as follows:

"(1) For sustained physical pain, for mental suffering because of reduced quality of life, disfigurement, damaged reputation, honour, freedom or rights of personality, death of a close person as well as fear, the court shall, if it finds that the circumstances of the case, especially the strength of the pain and fear and their duration, justify it, award a fair pecuniary compensation, regardless of the compensation for physical damages as well as in its absence.

(2) When deciding upon a compensation claim for non-pecuniary damages as well as the

amount thereof, the court shall take into account the importance of the damaged asset and the purpose the compensation is aimed at, but also that it does not favour the aspirations incompatible with its nature and social purpose."

21. Article 371 reads as follows:

"Claims expire within the period of five years unless another limitation deadline is stated by the law."

V. COMPLAINTS

22. The applicant complains of violations of his rights as protected by Articles 3 (prohibition of torture and inhuman or degrading treatment), 4 (prohibition of slavery and forced labour), 5 (right to liberty and security of person), 6 (right to a fair hearing within a reasonable time), 13 in conjunction with Articles 3, 4, 5 and 6 (right to an effective remedy) and 14 of the Convention (prohibition of discrimination).

VI. SUBMISSIONS OF THE PARTIES

A. The Republika Srpska

23. With regard to admissibility the Republika Srpska submits that the case is admissible under Article 6 and inadmissible with regard to the other complaints under Articles 3, 4, 5, 13 and 14 of the Convention.

24. With regard to the merits of the case and the alleged violation of Article 6, the Republika Srpska states that there is no justified reason for the hearing or the trial not to be held.

25. The Republika Srpska further submitted a letter of the First Instance Court in Banja Luka which states that a first hearing in the case was scheduled for 23 May 2003 which, however, was not attended by the representative of the Republika Srpska, who instead in a written submission raises the objection that the applicant's claim is barred by the statue of limitation set out in Article 376 of the Law on Contractual Obligations. The Court decided to ask for a new medical expertise by a neuro-psychiatrist on the applicant's health, which reflects his current condition. It postponed further proceedings until such expertise is available to the Court, stating that then a decision on the merits of the matter shall be issued.

B. The applicant

26. The applicant maintains his complaints.

VII. OPINION OF THE CHAMBER

A. Admissibility

27. Before considering the case on the merits the Chamber must decide whether to accept it, taking into account the admissibility criteria set out in Article VIII of the Agreement.

28. 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) (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."...and ... "(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."

1. As to the events prior to 14 December 1995

29. The Chamber observes that the applicant was arrested on 21 September 1995 and then detained and allegedly maltreated, prior to 14 December 1995, the date on which the Agreement entered into force. The Chamber further notes that his detention continued after the coming into force of the Agreement until 24 December 1995 and that the alleged violations were ongoing.

30. However, the Agreement is only applicable to human rights violations alleged to have occurred subsequent to its entry into force. It follows that the application, insofar as it concerns the applicant's arrest and his detention prior to 14 December 1995, is incompatible *ratione temporis* with the provisions of the Agreement, within the meaning of Article VIII(2)(c). As a consequence, the Chamber finds the applicant's complaints are inadmissible *ratione temporis* insofar as they relate to events before the entry into force of the Agreement. The alleged violations in the time subsequent to the entry into force of the Agreement on 14 December 1995, however, fall within the Chamber's competence *ratione temporis*.

2. As to the detention from 14 December 1995 to 24 December 1995

31. The applicant was held in detention as a member of the Republika Srpska Army until 24 December 1995, ten days after the entry into force of the Agreement on 14 December 1995. It appears that he was detained solely as a prisoner of war in the sense of the Geneva Convention III and that his deprivation of liberty and his detention was not based on any criminal charges. The Chamber notes that Article 5 of the Convention does not provide for deprivation of liberty as a consequence of prisoner of war status. At the same time, the Chamber observes that the detention of prisoners of war in accordance with the applicable international and domestic law cannot be said to be unlawful.

32. The Chamber recalls its well-established jurisprudence (see, *e.g.*, case nos. CH99/1838 *et al.*, *Karan and others*, decision on admissibility and merits of 4 July 2003, to be published, paragraph 102 *et seq.*; case nos. CH/99/1900 and CH/99/1901, *D.S. and N.S.*, decision of 12 April 2002, to be published, paragraphs 64 *et seq.*) that the detention of prisoners of war, while not expressly provided for in Article 5 of the Convention, must be assessed in the light of Article IX of Annex 1A to the General Framework Agreement for Peace in Bosnia and Herzegovina, which regulates questions regarding prisoners of war. The Chamber notes that Article 15 of the Convention recognises the concept of derogation from the obligations under the Convention in a time of war or other public emergency. The existence of Article IX of Annex 1A to the General Framework Agreement also recognises that in the first days after the end of the war people would still be held as prisoners of war by all the formerly conflicting parties.

33. The Chamber recalls that Article IX of Annex 1A to the General Framework Agreement provides that the respondent Party was obliged to "release and transfer without delay all combatants and civilians held in relation to the conflict". The Article further sets a time limit of not later than thirty days after the Transfer of Authority, which took place at the beginning of February 1996 (see paragraph 16 above), for the release and transfer of all prisoners. The Chamber notes that already in December 1995, several weeks before the expiry of this time limit, the applicant was released with the help of the International Committee of the Red Cross. The Chamber concludes that the applicant's complaint regarding his detention from 14 December 1995 to 24 December 1995 is inadmissible as manifestly-ill founded as his detention as a prisoner of war in those ten days cannot be regarded as unlawful.

3. Violations of Articles 3 and 4 of the Convention and alleged discrimination

34. According to Article VIII(2)(c) of the Agreement, the Chamber shall also dismiss any application which it considers manifestly ill-founded. The Chamber notes that the applicant's complaints as regards the allegations of torture, inhuman or degrading treatment (Article 3 of the Convention) and of being required to perform forced or compulsory labour (Article 4 of the Convention) are expressed only in very general terms without giving any details or an account of a specific incident. The fact that the applicant today is disabled and submitted medical documents according to which he suffers from post-traumatic stress and mental retardation does not *per se*, *i.e.* in the absence of additional substantiation, allow for the inference that his disability is the result of ill-treatment during detention or forced labour. This is particularly so because the applicant has been on active service and participated in combat activities during the war, which could also lead to post-traumatic stress. The applicant further does not specify whether the alleged maltreatment happened after the entry into force of the Agreement and therefore falls within the Chamber's competence *rationae temporis*.

35. The Chamber notes that the applicant failed to substantiate these complaints in his submissions to the Chamber. The lack of substantiation also applies to the allegation that the applicant has been discriminated against in the enjoyment of his rights.

36. For this reason, the Chamber finds that the application is inadmissible as manifestly ill-founded as regards the applicant's complaints of violations of Articles 3 and 4 of the Convention and of discrimination.

4. Compliance with the 'six-month rule'

37. With regard to the applicant's complaint that he could not receive compensation from the authorities of the Federation of Bosnia and Herzegovina, the Chamber notes that on 7 October 1999, the applicant addressed the Municipal Court II in Sarajevo with a request for compensation. On 10 February 2000, the Court declared itself incompetent and referred the applicant instead to the "Human Rights Commission" formed under Annex 6 of the General Framework Agreement for Peace in Bosnia and Herzegovina. It appears that the applicant has not availed himself of appellate proceedings. The Chamber notes, however, that the overall similarity of the proceedings in the applicant's case to the proceedings in the cases in case nos. CH/99/1838 *et al.*, *Karan and others*, (*id.)*, has made it abundantly clear that the courts in the Federation of Bosnia and Herzegovina were simply not willing to deal with the substance of such requests for compensation for war-time sufferings. The Chamber notes that, as opposed to the applicants in the cases *Karan and others*, the applicant in the present case did not immediately apply to the Chamber after the decision of the Municipal Court II in Sarajevo must have made it clear to him that the remedies he was pursuing against the Federation of Bosnia and Herzegovina offered no prospect of success. Instead, he waited one year and ten months after the decision of the Municipal Court II in Sarajevo of 10 February 2000 before he applied to the Chamber on 10 December 2001.

38. The Chamber finds that, for the purposes of Article VIII(2)(a) of the Agreement, the date of the final decision, which was issued by the Municipal Court II in Sarajevo, was 10 February 2000. This date is more than six months before the date on which the application was filed with the Chamber on 10 December 2001. It follows that insofar as the application is directed against the Federation of Bosnia and Herzegovina and concerns the applicant's claims under Article 6 of the Convention and respectively Article 13 in conjunction with Articles 3, 4, and 5 of the Convention, it was not lodged within the time limit of six months after the final decision in the case, as required by Article VIII(2)(a) of the Agreement. Therefore, the Chamber declares this part of the application inadmissible under the "six-month rule" as directed against the Federation of Bosnia and Herzegovina.

5. Exhaustion of domestic remedies

39. Insofar as the applicant complains that the First Instance in Banja Luka in the Republika Srpska waited almost four years before scheduling the first hearing in his case regarding his compensation claim, thereby violating his right to a hearing within a reasonable time as protected

under Article 6 paragraph 1 of the Convention, the Chamber observes that such a complaint about length of proceedings cannot be remedied by awaiting the final decision in the civil court case. As the Chamber has repeatedly held, the fact that proceedings are still pending will not prevent the Chamber from examining the applicant's complaint in relation to the length of the proceedings (see, *e.g.,* case nos. CH/02/11108 and CH/02/11326, *Basić and Cosić,* decision on admissibility and merits of 9 May 2003, paragraph 113). The Chamber therefore decides to declare the applicant's complaint under Article 6 paragraph 1 concerning the length of proceedings admissible as directed against the Republika Srpska.

6. Conclusion as to admissibility

40. In sum, the Chamber declares admissible the applicant's complaint under Article 6 paragraph 1 of the Convention as directed against the Republika Srpska regarding the length of the applicant's proceedings before the First Instance Court in Banja Luka. The Chamber declares inadmissible the remainder of the application.

B. Merits

41. 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.

Article 6 of the Convention

42. The applicant complains about the length of the civil proceedings initiated by him before the First Instance in Banja Luka in August 1999 in order to obtain compensation for his detention as an allegedly maltreated prisoner of war from 21 September 1995 until 24 December 1995 and for the permanent damage to his health he suffered as a result of that maltreatment. The first hearing in these proceedings was held on 23 May 2003, shortly after the Chamber transmitted the application to the Republika Srpska.

43. 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…."

44. Noting that the pending proceedings concern the applicant's rights to compensation under the Law on Obligations, 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, Article 6 paragraph 1 of the Convention is applicable to the proceedings in the present case.

45. The Chamber notes that from the date of his initiation of the proceedings before the First Instance Court in Banja Luka on 3 August 1999 to the first hearing in his case before the Court on 23 May 2003, more than three years and nine months passed.

46. 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).

47. The Chamber considers that the conduct of the First Instance Court in Banja Luka, in delaying the first hearing for almost four years in what appears to be an uncomplicated dispute about a compensation claim, was primarily responsible for the fact that the proceedings in the applicant's case before the First Instance Court are still in an initial phase and not concluded. The Chamber emphasises that the Republika Srpska has not provided any explanation to justify this delay in the

proceedings. In fact, it states that insofar as Article 6 paragraph 1 of the Convention guarantees that a hearing should be held within a reasonable time, there has been no justified reason for the hearing not to be held in the applicant's case. The Chamber concludes that the length of proceedings has been unreasonably long and that the Republika Srpska and its courts are responsible for this.

48. In view of the above, the Chamber finds a violation of Article 6 paragraph 1 of the Convention in that the applicant, in the determination of his civil rights, did not have a public hearing within a reasonable time.

VIII. REMEDIES

49. Under Article XI(1)(b) of the Agreement, the Chamber must address the question of what steps shall be taken by the Republika Srpska 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.

50. The Chamber notes 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. Therefore, the Chamber considers it appropriate to order the Republika Srpska to take all necessary steps to promptly conclude the pending civil proceedings before the First Instance Court in Banja Luka.

51. The applicant has requested compensation for his physical pain suffered as a prisoner of war and mental suffering due to his disabilities, which he claims are a result of this detention, in the total amount of 150,000 Convertible Marks ("KM", *Konvertibilnih Maraka*). However, the Chamber notes that it has declared the underlying complaints inadmissible.

52. The Chamber considers it appropriate, however, 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 by the First Instance Court in Banja Luka within a reasonable time.

53. Accordingly, the Chamber will order the Republika Srpska to pay to the applicant the sum of 500 Convertible Marks in non-pecuniary damages in recognition of his suffering as a result of his inability to have his case decided within a reasonable time.

54. Additionally, the Chamber will further award 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.

55. In addition, the Chamber will order the Republika Srpska to report to it 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 on the steps taken by it to comply with the above orders.

IX. CONCLUSIONS

56. For these reasons, the Chamber decides,

1. unanimously, to declare admissible the complaint under Article 6 of the European Convention on Human Rights regarding the complaint as directed against the Republika Srpska to have a public hearing within a reasonable time before the First Instance Court in Banja Luka;

2. unanimously, to declare inadmissible the remainder of the application as directed against the Republika Srpska and to declare inadmissible the application as directed against the Federation of Bosnia and Herzegovina in its entirety;

3. unanimously, that the Republika Srpska has violated the applicant's rights under Article 6 paragraph 1 of the European Convention on Human Rights with regard to the right to a hearing within

a reasonable time, the Republika Srpska thereby being in breach of Article I of the Human Rights Agreement;

4. unanimously, to order the Republika Srpska to take all necessary steps to promptly conclude the pending civil proceedings before the First Instance Court in Banja Luka.

5. unanimously, to order the Republika Srpska 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, 500 (five hundred) Convertible Marks ("*Konvertibilnih Maraka*") by way of compensation for non-pecuniary damages;

6. unanimously, to dismiss the remainder of the applicant's claims for compensation;

7. unanimously, to order the Republika Srpska to pay simple interest at the rate of 10 (ten) per cent per annum on the sum awarded in conclusion no. 5 or any unpaid portion thereof from the date of expiry of the above one-month period until the date of settlement in full; and

8. unanimously, to order the Republika Srpska to report to it 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 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