



DECISION ON ADMISSIBILITY AND MERITS

Case no. CH/98/712

Manojlo BEŠTIĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Commission for Bosnia and Herzegovina, sitting as the plenary Commission on 13 January 2004, with the following members present:

Mr. Jakob MÖLLER, President
Mr. Miodrag PAJIĆ, Vice-President
Mr. Želimir JUKA
Mr. Mehmed DEKOVIĆ
Mr. Andrew GROTRIAN

Mr. J. David YEAGER, Registrar
Ms. Olga KAPIĆ, Deputy Registrar
Ms. Meagan HRLE, Deputy Registrar

Having considered the aforementioned application introduced to the Human Rights Chamber for Bosnia and Herzegovina 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;

Noting that the Human Rights Chamber for Bosnia and Herzegovina (“the Chamber”) ceased to exist on 31 December 2003 and that the Human Rights Commission within the Constitutional Court of Bosnia and Herzegovina (“the Commission”) has been mandated under the Agreement Pursuant to Article XIV of Annex 6 to the General Framework Agreement for Peace in Bosnia and Herzegovina entered into on 22 and 25 September 2003 (“the 2003 Agreement”) to decide on cases received by the Chamber through 31 December 2003;

Adopts the following decision pursuant to Articles VIII(2) and XI of the Agreement, Articles 5 and 9 of the 2003 Agreement, and Rules 50, 54, 56, and 57 of the Commission’s Rules of Procedure:

I. INTRODUCTION

1. On 29 May 1996, the applicant, a citizen of Bosnia and Herzegovina of Serb origin, submitted to the First Instance Court in Tuzla a claim for compensation arising from a labour relationship terminated in 1987. The claim related to an earlier case that included a labour dispute (pending before the Basic Labour Court in Tuzla from 27 January 1988 until 30 June 1992). The Labour Court ceased operations on 30 June 1992, according to the Law on Cessation of the Application of the Law on Labour Courts (Official Gazette of the Socialist Republic of Bosnia and Herzegovina, No. 4/92), and its cases were taken over by the First Instance Court in Tuzla. The proceedings in this case ended in June 2002.

2. The applicant complains that he has been denied his right to work by termination of his labour relationship on 15 May 1987 on the basis of an unlawful decision by his company, and that his rights arising from that labour relationship have been violated. According to the applicant, he should have been retired in 1989 instead of 1987. He also complains that he has been discriminated against at "all levels" on ethnic grounds in the proceedings before the courts in Tuzla. Finally, he complains of the length of the proceedings before the Municipal Court in Tuzla.

II. PROCEEDINGS BEFORE THE CHAMBER AND THE COMMISSION

3. The application was submitted to the Human Rights Chamber on 18 June 1998 and registered on the same date.

4. On 2 March 1999, the Chamber invited the applicant to provide more information related to the court proceedings pending before the Tuzla First Instance Court.¹ He was particularly requested to answer whether there had been any developments in those proceedings since he submitted the request to the Court on 29 May 1996. The applicant replied on 17 March 1999,

5. On 5 June 1999, the Chamber transmitted the case to the respondent Party under Article 6 of the Convention for its observations on the admissibility and merits.

6. On 23 August 1999, the respondent Party submitted its written observations on the admissibility and merits of the application.

7. On 6 September 1999, the Chamber received additional information from the applicant.

8. The applicant submitted his comments on the respondent Party's observations on 22 October 1999, and the Chamber transmitted the applicant's comments to the respondent Party on 12 December 1999. The respondent Party submitted responsive observations on 31 December 1999, and the Chamber transmitted the respondent Party's observations to the applicant on 25 January 2000.

9. On 8 February 2000, the applicant informed the Chamber about new developments in his case before the Tuzla Municipal Court.

10. On 8 August 2000, the Chamber received a copy of the applicant's memo to the Federal Commission for Election and Appointment of Judges.

11. On 24 August 2000, the Chamber received the applicant's second memo to the Federal Commission for Election and Appointment of Judges, along with a copy of the Commission's reply to the applicant's first memo.

¹ The First Instance Court and the Municipal Court are the same institution. The official name was changed in 1996, and it is referred to throughout this decision by the name held during the relevant time period.

12. On 27 September 2000, the applicant submitted a copy of the 25 July 2000 judgement of the Tuzla Municipal Court and his 25 September 2000 appeal of that judgement.
13. On 11 August 2001, the applicant submitted a copy of the 21 May 2001 judgement of the Tuzla Cantonal Court.
14. On 18 October 2002, the applicant submitted a copy of the 20 June 2002 judgement of the Supreme Court of the Federation of Bosnia and Herzegovina.
15. On 21 May 2003, the respondent Party submitted additional information. The Chamber transmitted this additional information to the applicant on 27 May 2003.
16. On 10 June 2003, the applicant submitted additional information. The Chamber transmitted these observations to the respondent Party on 12 June 2003.
17. The Chamber considered the application on 7 June 1999 and 5 November 2003. The Human Rights Commission considered the application on 13 January 2004, when it adopted the present decision.

III. FACTS

18. The applicant submitted a claim for compensation to the First Instance Court in Tuzla on 29 May 1996. The claim related to an earlier case that included a labour dispute (pending before the Basic Labour Court in Tuzla from 27 January 1988 until 30 June 1992). The Labour Court ceased operations on 30 June 1992, according to the Law on Cessation of the Application of the Law on Labour Courts (Official Gazette of the Socialist Republic of Bosnia and Herzegovina, No. 4/92), and its cases were taken over by the First Instance Court in Tuzla.
19. The applicant's lawsuit was based on his allegations that a 17 April 1987 procedural decision issued by the director of the railway transport company where he was employed, "OPŽ Tuzla", unlawfully terminated his labour relations because he had accrued 40 years' worth of pension insurance. The applicant believes that the procedural decision unlawfully forced him into early retirement, and he took court action to have it quashed.
20. The applicant further alleged that two other procedural decisions, dated 13 August 1987 and 29 October 1987, concerning the conditions of his early retirement, were also unlawful. He initiated court actions against these decisions, and in the course of these administrative disputes, the decisions were annulled by decisions of the Higher Court in Tuzla on 31 August 1988; the Supreme Court in Sarajevo on 30 August 1991; and a procedural decision of the Ministry of Healthcare, Labour and Social Protection on 14 October 1991. Neither the court judgements nor the procedural decision were ever enforced by the first instance organs.
21. In 1992, after the armed conflict in Bosnia and Herzegovina began, the Courts of Associated Labour were abolished. Subsequently, on 1 January 1996, that the First Instance Court in Tuzla took over the case. On 29 May 1996, the applicant requested the Tuzla First Instance Court to award him compensation for damages he allegedly suffered from 15 May 1987 until 15 May 1989, the date on which he claims he should have been retired. He further requested the court to oblige the Pension Insurance Office (PIO) Branch Office in Tuzla to issue a procedural decision on the applicant's retirement and to pay him all outstanding pension amounts resulting from pension increases from 15 May 1989 through the end of the court proceedings. He also claimed compensation for legal expenses.
22. On 17 March 1997, the applicant requested the President of the Tuzla Municipal Court to decide upon his request to disqualify judge Zaim Zečević from further proceedings in the

applicant's case, for the purpose of speeding up the proceedings. The Court President issued a procedural decision on 4 April 1997, by which he refused disqualification of judge Zečević. The President explained that he had examined the applicant's request, as well as a written report submitted by judge Zečević. The President also examined the entire case file, and, on the basis of this examination, he learned that the conditions required by Article 71(1)(6) of the Law on Civil Procedure regarding disqualification of judges were not met.

23. The applicant later wrote a memo to the Federal Commission for Election and Appointment of Judges, in which he stated that judge Zečević had so far scheduled 27 hearings, but that no fair or legally grounded judgement had been issued so far. He added that judge Zečević did not respect principles of impartiality because he favoured the respondent party during proceedings. The Federal Commission for Election and Appointment of Judges, by its written submission of 10 August 2000, answered the applicant, stating that it would carry out the necessary steps regarding the applicant's allegations about judge Zečević in his case. The Commission further stated that the applicant's allegations regarding possible impartiality on the part of judge Kratović, a judge sitting in the applicant's case before the Supreme Court, were ill-founded. The Commission has no further information as to whether the Federal Commission for Election and Appointment of Judges took any steps to examine judge Zečević's conduct.

24. On 25 July 2000, the Municipal Court in Tuzla issued a judgement in the applicant's case against the Bosnia and Herzegovina Railways Regional Office for Administration in Tuzla (the successor of OPŽ Tuzla), in which it refused the applicant's claim as ill-founded.

25. The applicant appealed against this judgement to the Cantonal Court in Tuzla. The Cantonal Court issued a judgement on 21 May 2001, by which it refused the applicant's appeal and confirmed the judgement of the Municipal Court.

26. The applicant sought revision ("revizija") before the Supreme Court of Federation of Bosnia and Herzegovina against the judgement of the Municipal Court. The Supreme Court, by its judgement of 20 June 2002, refused the revision as ill-founded.

IV. RELEVANT LEGAL PROVISIONS

27. Article 426 of the Law on Civil Procedure (OG FBiH no. 42/98 and 3/99) applicable during the relevant time period, stipulated that, in proceedings concerning labour relations, the court shall generally have regard to the urgency of such matters, especially in scheduling hearings and setting time limits.

V. COMPLAINTS

28. The applicant complains that he has been denied his right to work by termination of his labour relations on 15 May 1987 on the basis of an unlawful decision by his company, and that his rights arising from that labour relation have been violated. He also complains that he has been discriminated against at "all levels" on ethnic grounds in the proceedings before the courts in Tuzla. Finally, he complains of violations of his right to a fair trial before an impartial tribunal and of the length of the proceedings before the Municipal Court in Tuzla.

VI. SUBMISSIONS OF THE PARTIES

A. The respondent Party

1. As to admissibility

29. As to the admissibility, the Federation of Bosnia and Herzegovina submits that the applicant has not exhausted domestic remedies, has run afoul of the six-month rule, and has abused the right to petition.

30. The Federation argues that the applicant submitted his application to the Chamber without having requested the competent court to issue a procedural decision regarding his retirement dispute. He also failed to file a suit before the competent court against the decision terminating his labour relations. Although the applicant alleged that the decision was not delivered to him, the Federation asserts that he was obviously aware of it and instituted disputes related to that particular decision. Because of the applicant's inactivity in these proceedings, however, the Federation asserts that the application constitutes an abuse of petition. Further, because the applicant did not exhaust domestic remedies or demonstrate that he intended to do so, there was no final decision in his case, and the applicant therefore did not comply with the six-month rule. Thus, the respondent party asks the Commission to declare the application inadmissible under Articles VIII(2)(a) and VIII(2)(c) of the Agreement.

31. The respondent Party also challenges the pertinence of the compensation claim. The respondent party asserts that the compensation claim is irrelevant if the Commission accepts its proposal and declares the application inadmissible. Regarding the request for compensation for lost income between 15 May 1987 and 8 November 1990, the respondent party points out that this request is outside the Commission's competence *ratione temporis*. Further, the request is ill-founded because the applicant received pensions during the entire disputed period and therefore realised income in accordance with law. Regarding the applicant's compensation request for pension contributions for the period from 15 May 1987 to 8 November 1990, the Federation argues that this claim is outside the Commission's competence *ratione temporis*. Regarding the applicant's request to pay him the difference in pension amounts after 8 November 1990, the respondent Party points out that it is also outside of the scope of Commission's competence *ratione temporis* because it relates to a period before 14 December 1995.

2. As to the merits

32. The Federation asserts that its judicial system and its rules for appointment of judges were established in such a way as to guarantee both the independence and impartiality of the courts. Further, public hearings are guaranteed by Articles 287-291 of the Law on Civil Procedure (OG FBiH no. 42/98 and 3/99). The Federation also notes, in its observations of 23 August 1999, that the applicant obtained a final court decision in his favour, and it asserts that the fact that the decision has not yet been implemented does not minimise the significance of its issuance. Regarding the "reasonable time" requirement, the Federation points out that this was a very complex case, and that the applicant himself contributed to its complexity and length by his failure to make use of domestic remedies. According to the Federation, the applicant complains that his work experience was not accurately reflected in his employment card, but he did not initiate special proceedings to determine these facts. Consequently, the Federation argues, there has been no violation of Article 6 of the Convention, and the application should be refused as manifestly ill-founded.

3. As to compensation

33. With respect to the compensation claim for legal expenses and fees, the respondent Party asserts that the claim is ill-founded. The respondent party argues that the claim is too high and that the applicant has submitted no evidence to show he incurred such expenses.

34. Regarding the compensation claim for mental suffering and other non-pecuniary damages, the respondent Part argues that this request is ill-founded because the applicant was not subjected to any violence or injustice. The respondent Party further disputes the amount of this claim as being too high.

35. Regarding the applicant's compensation request for pension contributions for the period from 15 May 1987 to 8 November 1990, the Federation asserts that this claim is ill-founded because the applicant actually received his pension for that period in accordance with the law.

36. Regarding the applicant's request to pay him the difference in pension amounts after 8 November 1990, the respondent asserts that this request is also ill-founded because a full pension was established for the applicant on the basis of the most favourable period in which he worked, i.e. from 1974 to 1984.

37. Finally, the Federation asks the Commission to reject the applicant's compensation claim in its entirety as ill-founded, regardless of the Commission's decision on the admissibility and merits of the application.

B. The applicant

1. As to admissibility

38. The applicant states that he exhausted all available domestic remedies.

2. As to the merits

39. The applicant denies that his legal matter was a complex one, but insists that it was an easy one that had to be decided upon expeditiously. He complains of obstruction in the court proceedings and states that the judge hearing his case before the Tuzla Municipal Court held many hearings but did not intend to issue a judgement. He states that he experienced discrimination in the court proceedings, and, in his memorandum to the Federal Commission for Election and Appointment of Judges, he specifically accused judges Zečević, Šabanović, and Gulamović of the Tuzla Municipal Court and judge Kratović of the Federation Supreme Court of not being impartial in his case. He alleges that judge Zečević committed serious violations of substantive and procedural laws in the proceedings in his case. He also accuses Tuzla Municipal Court judges Šabanović and Gulamović of not being impartial because "they did not take any steps for this marathon dispute of 13 years to be finalised in accordance with law...". The applicant also accused judge Kratović of the Federation Supreme Court of not being impartial. He further asserts that the 21 May 2001 judgement of the Tuzla Cantonal Court is discriminatory.

VII. OPINION OF THE COMMISSION

40. The Commission recalls that the application was introduced to the Human Rights Chamber under the Agreement. As the Chamber had not decided the application by 31 December 2003, in accordance with Article 5 of the 2003 Agreement, the Commission is now competent to decide on the application. In doing so, the Commission shall apply the admissibility requirements set forth in Article VIII(2) of the Agreement. Moreover, the Commission notes that the Rules of Procedure

governing its proceedings do not differ, insofar as relevant for the applicant's case, from those of the Chamber, except for the composition of the Commission.

A. Admissibility

41. Before examining the merits of the application, the Commission shall decide whether to accept it, taking into account the admissibility criteria set out in Article VIII(2) of the Agreement. Under Article VIII(2)(a), "the [Commission] shall take into account the following criteria: (a) whether effective remedies exist, and the applicant has demonstrated that they have been exhausted." Under Article VIII(2)(c), "the [Commission] shall also dismiss any application which it considers incompatible with this Agreement...."

1. Regarding the alleged violation of the applicant's right to work

42. The Commission notes that the applicant claims that he should have been retired in 1989 instead of 1987. Therefore, the alleged violation of the applicant's right to work occurred prior to 14 December 1995. Having in mind that all of the events allegedly leading to a violation of the applicant's right to work took place before 14 December 1995, the Commission finds that this part of the application is incompatible *ratione temporis* with the Agreement. Consequently, the Commission decides to declare this part of the application inadmissible.

2. Regarding the alleged violation of the applicant's right to a fair trial before an independent and impartial tribunal

43. In examining the judgements of the Tuzla Municipal Court, Tuzla Cantonal Court, and Federation Supreme Court, as well as the opinion of the Federal Commission on Election and Appointment of Judges, the Commission finds no indication that judges Zečević and Kratović gave any unfair advantage to the defendant or that they failed to conduct the proceedings impartially. Nor has the applicant provided evidence to substantiate such a claim. The Commission thus considers the application in this part incompatible with the Agreement in terms of Article VIII(2)(c) and declares it inadmissible as manifestly ill-founded.

44. To the extent that the applicant also claims that the court wrongly established the facts and misapplied the substantive law, the Commission recalls that the Chamber consistently held that it had no general competence to substitute its own assessment of the facts and application of the law for that of the domestic courts (see, e.g., case no. CH/99/2565, *Banović*, decision on admissibility of 8 December 1999, paragraph 11, Decisions August-December 1999). The same applies to the Commission. Here, in establishing the facts of the case, the first instance court examined numerous decisions and documents of the defendant, decisions of the Court of Associated Labor, procedural decisions of pension funds, and the judgements of the Tuzla Cantonal Court and Federation Supreme Court. It also examined the opinions of financial and pension insurance court experts. In its judgement, the Tuzla Cantonal Court reasoned that the decision of the first instance court was grounded on a correct assessment of the facts and extensive interpretation of all the evidence. In the circumstances, there is no indication that there has been any error by the domestic courts serious enough to allow the Commission to depart from established practice and substitute its own assessment of the facts or application of the law.

45. The Commission thus considers the application in this part manifestly ill-founded within the meaning of Article VIII(2)(c) of the Agreement and declares it inadmissible.

3. Regarding the applicant's discrimination claim

46. The applicant also states that, during the proceedings before the domestic courts, he was discriminated against at "all levels".

47. The applicant states that he has been generally discriminated against by the Federation courts because of his Serb ethnic background, but he has failed to substantiate these allegations. He does not assert how he was treated differently from similarly situated persons before the respondent Party's courts.

48. Having regard to the above, the Commission cannot determine that the applicant was treated differently from others in the same or relevantly similar situations. In the circumstances, the Commission considers the application in this part manifestly ill-founded within the meaning of Article VIII(2)(c) of the Agreement and declares it inadmissible.

4. Regarding the alleged violation of the applicant's right to a fair trial within a reasonable time and the requirement to exhaust effective domestic remedies

49. The Federation argues that the applicant did not exhaust effective domestic remedies. The Commission must consider whether, for the purpose of Article VIII(2)(a) of the Agreement, any "effective remedy" was available to the applicant in respect of his complaints and, if so, whether he has demonstrated that it has been exhausted. It is incumbent on the respondent Party arguing non-exhaustion to show that there was a remedy available to the applicant other than his application based on the Agreement and to satisfy the Commission that the remedy was an effective one. Here, the applicant's case before the domestic courts was delayed for more than four years before it was declared inadmissible. The applicant subsequently sought review in the Cantonal Court and Federation Supreme Court. In these circumstances, the Commission declines to declare the application inadmissible for non-exhaustion of domestic remedies.

5. Conclusion as to admissibility

50. Having regard to the above, the Commission declares the application admissible in relation to the applicant's complaint of a violation of his right to have his civil rights determined within a reasonable time under Article 6 and inadmissible in relation to the applicant's other complaints.

B. Merits

1. Article 6 of the Convention

51. The applicant complains of unreasonably long judicial proceedings in his case. In particular, the applicant claims there had already been an unreasonable delay in proceedings before the Tuzla Municipal Court at the time he submitted his application to the Chamber. He stated that the court had held 17 hearings between 29 May 1996 and 18 June 1998, but had still not decided the case. The applicant again complained of delays in the proceedings after the first instance court issued its judgement on 25 July 2000, noting that it had been four years, six months, and 24 days since the Municipal Court took the case over from the Court of Associated Labour.

52. Article 6 paragraph 1 of the Convention provides, in relevant part, as follows:

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

53. The purpose of Article 6's reasonable time guarantee is to protect all parties to court proceedings against excessive procedural delays. In non-criminal cases, the relevant time begins with the initiation of court procedures and continues until the case is finally determined. Factors that are always considered by the European Court of Human Rights in deciding whether a proceeding meets the "reasonable time" standard include the complexity of the case, the conduct of the competent authorities, and the conduct of the applicant that could have contributed to procedural delays, as well as particular circumstances that could justify prolonging the case. The approach is to examine these factors separately and then to assess their cumulative effect.

54. From the moment the applicant submitted his claim to the First Instance Court in Tuzla on 29 May 1996, more than four years passed before the applicant obtained a first instance decision on 25 July 2000. No final decision was obtained until the issuance of the Supreme Court's judgement on 20 June 2002. Applying the factors listed above, the Commission finds no indication in the record that this was a complicated case, or that the applicant himself should be held responsible for the delays in the proceedings. Nor do there appear to be extenuating circumstances to justify judicial procrastination of this length. Further, the Commission recalls that, under the Law on Civil Procedure, labour disputes are to be decided expeditiously, with regard to the urgency attaching to the subject matter. In this light, the extended delay in this case cannot be said to be reasonable. Although the Tuzla Municipal Court held numerous hearings in the case, the prolonging of the proceedings does not appear to be justified. In the circumstances, the length of proceedings in this labour dispute leads the Commission to conclude that the Federation of Bosnia and Herzegovina has violated the applicant's right, under Article 6 of the Convention, to a fair trial within a reasonable time.

2. Conclusion on the merits

55. For the foregoing reasons, the Commission concludes that there has been a violation of the applicant's rights under Article 6 paragraph 1 of the Convention, for which the Federation of Bosnia and Herzegovina is responsible.

VIII. REMEDIES

56. Under Article XI(b) of the Agreement, the Commission must next address the question of what steps shall be taken by the Federation of Bosnia and Herzegovina to remedy the breaches that it has found.

57. The applicant claims compensation for damages from the denial of his right to work from 15 May 1987 through 8 November 1990, in the amount of 23,406.57 KM plus interest. He also seeks non-pecuniary damages for moral suffering in the amount of 12,000.00 KM, and he seeks to recover legal fees and costs in the amount of 9,000.00 KM. He also requests that the respondent party be ordered to enforce his court decisions of 31 August 1988 and 30 August 1991, to pay all his unpaid pension insurance contributions through the date that those decisions are enforced, to obtain all necessary pension forms, and to enact a first instance decision regarding his retirement. The applicant also requests all unpaid pension insurance instalments from 8 November 1990 until the issuance of a first instance decision on his retirement comes into force.

58. The applicant requests the Chamber (now Commission) to order the respondent Party to compensate him for damages from the denial of his right to work from 15 May 1987 through 8 November 1990, in the amount of 23,406.57 Convertible Marks (Konvertibilnih Maraka, "KM"), plus interest. He also seeks non-pecuniary compensation for mental suffering and pain in the amount of 12,000.00 KM, as well as compensation for court expenses and legal fees in the amount of 9,000.00 KM. He further requests the Chamber (now Commission) to order the respondent Party to pay all his unpaid pension insurance contributions.

59. The Commission has found the applicant's complaints regarding his right to work inadmissible. Therefore there can be no compensation for these complaints as claimed by the applicant. The Commission has, however, found a violation of the applicant's right to a fair hearing within a reasonable time.

60. The Commission finds it appropriate to award the applicant compensation for the sense of injustice he suffered as a result of the unjustifiable delays in the court proceedings. The Commission will order the Federation of Bosnia and Herzegovina to pay the applicant, by way of compensation for non-pecuniary damages, the sum of 2,000.00 KM.

IX. CONCLUSIONS

61. For the above reasons, the Commission decides:

1. unanimously, to declare inadmissible that portion of the application alleging a violation of the applicant's right to work as incompatible *ratione temporis* with the provisions of the Agreement;
2. unanimously, to declare inadmissible that portion of the application alleging a violation of the applicant's right to a fair trial before an independent and impartial tribunal as manifestly ill-founded;
3. unanimously, to declare inadmissible that portion of the application alleging that the applicant was discriminated against in his enjoyment of the rights guaranteed by Article 6 of the Convention as manifestly ill-founded;
4. unanimously, to declare the application admissible insofar as it relates to the alleged violation of the applicant's right to a fair hearing within a reasonable time under Article 6 of the Convention;
5. unanimously, that the applicant's right to a fair hearing within a reasonable time under Article 6 paragraph 1 of Convention has been violated, the Federation of Bosnia and Herzegovina thereby being in violation of Article I of the Agreement;
6. unanimously, to order the Federation of Bosnia and Herzegovina to pay the applicant, not later than 15 May 2004, the amount of 2,000 KM by way of compensation for non-pecuniary damages;
7. unanimously, to order the Federation of Bosnia and Herzegovina to pay the applicant simple interest at a rate of 10 (ten) per cent per annum over the sum stated in conclusion no. 6 or any unpaid portion thereof from 15 May 2004 until the date of settlement in full; and
8. unanimously, to order the Federation of Bosnia and Herzegovina to report to the Human Rights Commission within the Constitutional Court, not later than 15 October 2004, on the steps taken by it to comply with the above orders.

(signed)
J. David Yeager
Registrar of the Commission

(signed)
Jakob MÖLLER
President of the Commission