



DECISION ON ADMISSIBILITY AND MERITS
(delivered on 9 May 2003)

Case no. CH/99/2007

Jandrija RAKITA

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 31 March 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 applicant, who is of Serb origin, is the former Secretary of the Association for the Hearing Impaired and Deaf Persons of Bosnia and Herzegovina ("the Association"). The applicant himself is deaf. During the war, he was placed on the "waiting list" by his employer, the Association, and subsequently his contract was terminated. On 10 May 1996, the applicant sued his employer to get his position back. As of today, his case is still pending before the organs of the Federation of Bosnia and Herzegovina. The applicant alleges a violation of his right to a fair trial and an effective remedy, his right to work and the right to be free from discrimination in the enjoyment of those rights.

II. PROCEEDINGS BEFORE THE CHAMBER

2. The application was received and registered on 2 April 1999.

3. On 20 January 2000 the application was transmitted to the Federation of Bosnia and Herzegovina ("the Federation") for its observations on the admissibility and merits under Article 6 of the European Convention on Human Rights ("the Convention") and Article II(2)(b) of the Agreement in conjunction with Article 6 of the International Covenant on Economic, Social and Cultural Rights (ICESCR).

4. On 3 and 20 March 2000 the Chamber received the observations of the respondent Party on the admissibility and merits.

5. On 21 April 2000 the applicant submitted to the Chamber his observations and compensation claim. On 9 June 2000 the respondent Party submitted additional observations regarding the compensation claim of the applicant.

6. On 1 June, 28 November, 4 December 2001 and 8 October 2002 the applicant submitted additional information. On 7 November 2001, 9 September and 25 December 2002 the respondent Party submitted additional information. On 20 January 2003 the applicant submitted his comment on the latest observations of the respondent Party.

7. The Chamber deliberated on the admissibility and merits of the case on 6 and 31 March 2003. On the latter date, the Chamber adopted this decision.

III. FACTS

8. On 15 January 1993 the applicant left Sarajevo, where he lived and worked, for business travel in different cities in Bosnia and Herzegovina and Croatia. The trip was approved by competent organs and his employer. Because of the conflict, the applicant was blocked in Kiseljak, unable to return to Sarajevo despite his efforts to gain transportation from the UN and four relief organisations.

9. On 17 March 1993 the Association placed him on the "waiting list", for a 12 months period, stating that he was unexpectedly kept in Kiseljak. Since he was part of the management of the Association, it was necessary to fill his position with a replacement.

10. On 16 April 1993 the Association brought criminal charges against the applicant to the First Instance Court in Sarajevo. The applicant was accused of misuse of his position *i.e.* of having misused some money that belonged to the Association.

11. Subsequently, during its session of 30 April 1993, the Association terminated the applicant's employment in application of Article 15 of the Decree with Force of Law on Employment During the State of War. On that day, the Association issued a procedural decision terminating the applicant's labour relations. The procedural decision stipulated that the applicant could appeal to a competent court against the decision within 15 days from receipt of the decision. The applicant alleges that he was informed about the decision by phone, as soon as the decision had been issued but that he

never properly received it. However, the applicant submitted a copy of the mentioned decision with the application.

12. On 1 April 1996 the applicant wrote to the Association defending his inability to return to Sarajevo and his use of the Association's goods. He further requested them to reinstate him into his pre-war position or in an alternative one.

13. On 10 May 1996, since the applicant did not receive an answer for 30 days, he started a lawsuit before the First Instance Court I of Sarajevo. He contested the termination of his employment, and sought reinstatement in his job, compensation for unpaid salaries, contributions and court costs. Up to March 2000 at least 23 hearings had been scheduled in relation to his lawsuit. Several judges have changed in charge of the proceedings. The applicant twice lodged a request for disqualification of presidents of the panel of judges, but the president of the court rejected his requests.

14. On 5 October 2000 the applicant filed a request for disqualification of the president of the Municipal Court I of Sarajevo (*i.e.* the former First Instance Court I). On 10 October 2000 the president of the Cantonal Court of Sarajevo rejected his request as ill-founded.

15. On 13 June 1996 the Association brought additional criminal charges against the applicant. The charges were amended on 30 December 1996.

16. On 20 July 1998 the Municipal Public Prosecutor Office I in Sarajevo issued an indictment and initiated criminal proceedings against the applicant on suspicion of committing the criminal offence (misuse of position or authorisation provided in Article 226 (1) of the Criminal Code of the Republic of Bosnia and Herzegovina). On 13 December 1999 the Municipal Court I of Sarajevo terminated the criminal proceedings against the applicant due to the Law on Amnesty that was enacted on 3 December 1999.

17. On 28 April 1998 the Organisation for Security and Co-operation in Europe ("OSCE"), in exercising its mandate of trial monitoring, submitted a letter to the court stating that in the civil proceedings the official court interpreter used at six of the 13 hearings was an employee of the Association and therefore presented a conflict of interest. Additionally, it states that some of the responses to questions by witnesses were not recorded or improperly interpreted.

18. On 24 April 2001 the Municipal Court I in Sarajevo issued a partial decision establishing that the applicant's claim to be reinstated into working and legal status was well-founded, but not deciding on the compensation claim. The Association filed an appeal against this decision. The applicant considered the decision contradictory and therefore also appealed against it.

19. On 8 November 2001 the Cantonal Court in Sarajevo, acting on the appeals, suspended the court proceedings and referred the case to the Cantonal Commission for the Implementation of Article 143 of the Law on Labour ("the Cantonal Commission"). As of today, the applicant's case is pending before the Cantonal Commission.

20. On 4 December 2001 the applicant filed a request for revision to the Supreme Court of the Federation, and requested the Public Prosecutor's Office to initiate a procedure for the protection of legality.

21. On 30 January 2002 the Public Prosecutor's Office I in Sarajevo informed the applicant that it finds no elements for raising a request for protection of legality.

22. On 4 July 2002 the Supreme Court of the Federation rejected the applicant's request for revision as ill-founded.

IV. RELEVANT LEGAL PROVISIONS

A. Law on Labour Relations

23. The Law on Labour Relations was published in the Official Gazette of the Republic of Bosnia and Herzegovina (hereinafter "OG RBiH") no. 21/92 of 23 November 1992. It was passed during the state of war as a Decree with force of law, and was later confirmed by the Assembly of the Republic (OG RBiH, no. 13/94 of 9 June 1994). It contained the following relevant provisions:

Article 10:

"An employee can be sent on unpaid leave due to his or her inability to come to work in the following cases:

if he or she lives or if his or her working place is on occupied territory or on territory where fighting is taking place.

...

Unpaid leave can last until the termination of the circumstances mentioned above, if the employee demonstrates, within 15 days after the termination of these circumstances, that he or she was not able to come to work earlier. During the unpaid leave all rights and obligations of the employee under the employment are suspended."

Article 15:

"The employment is terminated, if, while under a compulsory work order, the employee stayed away from work for more than 20 consecutive working days without good cause, or if he or she took the side of the aggressor against the Republic of Bosnia and Herzegovina."

B. The Law on Labour

24. The Law on Labour (Official Gazette of the Federation of Bosnia and Herzegovina -hereinafter "OG FBiH"- 43/99) entered into force on 5 November 1999. The Law was amended by the Law on Amendments to the Law on Labour (OG FBiH 32/00) with the particular effect that certain new provisions, including Articles 143a, 143b, and 143c, were added and entered into force on 7 September 2000.

25. Article 5 of the Law on Labour provides that:

"(1) A person seeking employment, as well as a person who becomes employed, shall not be discriminated against based on race, colour, sex, language, religion, political or other opinion, ethnic or social origin, financial situation, birth or any other circumstance, membership or non-membership in a political party, membership or non-membership of a trade union, and physical or mental impairment in respect of recruitment, training, promotion, terms and conditions of employment, cancellation of the labour contract or other issues arising out of labour relations.

"(2) Paragraph 1 of this Article shall not exclude the following differences:

1. which are made in good faith based upon requirements of a particular job;
2. which are made in good faith based on incapability of a person to perform tasks required for a particular job or to undertake training required, provided that the employer or person securing professional training has made reasonable efforts to adjust the job or the training which such person is on, or to provide suitable alternative employment or training, if possible;
3. activities that have as an objective the improvement of the position of persons who are in unfavourable economic, social, educational or physical position.

"(3) In the case of breach of paragraphs 1 and 2 of this Article:

1. Persons whose rights are violated may submit a complaint before the competent court in relation to the infringement of their rights;
2. If the complainant presents obvious evidence of discrimination prohibited by this Article, the defendant is obliged to present evidence that such differential treatment was not made on discriminatory grounds;
3. If the court finds the complaint to be well-founded, it shall make such order as it deems necessary to ensure compliance with this article, including an order for employment,

reinstatement, or the provision or restoration of any right arising from the contract of employment.”

26. Article 143 of the Law on Labour provides that:

“(1) An employee who is on the waiting list on the effective date of this law shall retain that status no longer than six months from the effective date of this law (5 May 2000), unless the employer invites the employee to work before the expiry of this deadline.

“(2) An employee who was employed on 31 December 1991 and who, within three months from the effective date of this law (5 February 2000), addressed in written form or directly the employer for the purpose of establishing the legal and working status – and had not accepted employment from another employer during this period, shall also be considered an employee on the waiting list.

“(3) While on the waiting list, the employee shall be entitled to compensation in the amount specified by the employer.

“(4) If a waiting list employee referred to in paragraphs 1 and 2 of this Article is not requested to return to work within the deadline referred to in paragraph 1 of this Article, his or her employment shall be terminated with a right to severance pay which shall be established according to the average monthly salary paid at the level of the Federation on the date of entry of this Law into force, as published by the Federal Statistics Institute.

“(5) The severance pay referred to in paragraph 4 of this Article shall be paid to the employee for the total length of service (experience) and shall be established on the basis of average salary referred to in paragraph 4 of this Article multiplied with the following coefficients:

Experience	Coefficient
- up to 5 years	1.33
- 5 to 10 years	2.00
- 10 to 20 years	2.66
- more than 20 years	3.00.
[...]	

(8) If the employee’s employment is terminated in terms of paragraph 4 of this Article, the employer may not employ another employee with the same qualifications or educational background within one year except the person referred to in Paragraphs 1 and 2 of this Article if that person is unemployed.”

27. Article 145 of the Law on Labour provides that:

“Proceedings to exercise and protect the rights of employees, which were instituted before this law has come into effect, shall be completed according to the regulations applicable on the territory of the Federation before the effective date of this law, if this is more favourable for the employees.”

C. The Law on Amendments to the Law on Labour

28. In the Law on Amendments to the Law on Labour, a new Article 143a was added to the Law on Labour as follows:

“(1) An employee believing that his employer violated a right of his arising from paragraph 1 and 2 of Article 143, may within 90 days from the entry into force of the Law on Amendments to the Law on Labour, introduce a claim to the Cantonal Commission for Implementation of Article 143 of the Law on Labour (hereinafter the “Cantonal Commission”), established by the Cantonal Minister competent for Labour Affairs (hereinafter the “Cantonal Minister”).

“(2) The Federal Commission for Implementation of Article 143 (hereinafter the “Federal Commission”), which is established by the Federal Minister, shall decide on the complaints against the procedural decisions of the Cantonal Commission.

“(3) In the case when the Cantonal Commission is not performing tasks for which it is established, the Federal Commission shall overtake the jurisdiction of the Cantonal Commission.

“(4) If a procedure pertaining to the rights of the employee under paragraph 1 and 2 of the Article 143 has been instituted before a Court, this Court shall refer the case to the Cantonal Commission, and issue a decision on suspension of procedure.”

29. In the Law on Amendments to the Law on Labour, a new Article 143c was added to the Law on Labour as follows:

“Decisions of the Federal/Cantonal Commission shall be:

1. final and subject to the court’s review in accordance with the law;
2. legally based;
3. transmitted to the applicant within 7 days.”

30. The Law on Amendments to the Labour Law further added the following Articles 52, 53, and 54:

“Article 52

“This Law shall not affect contracts and payments done between an employer and his employee in the application of Article 143 of the Law on Labour prior to the date of entry into force of this Law (i.e. 7 September 2000).

“Article 53

“This Law shall not affect final decisions issued by the Court in the period prior to the entry into force of this Law (7 September 2000) in the application of Article 143 of the Law on Labour.

“Article 54

“Procedures of realisation and protection of employees’ rights initiated prior to the entry into force of this Law shall be completed according to the regulations applicable on the territory of the Federation prior to the entry into force of this Law (7 September 2000), if it is more favourable to the employee, with the exception of Article 143 of the Law on Labour.”

D. Law on Civil Proceedings

31. Article 434 of the Law on Civil Proceedings (Official Gazette of the Socialist Federal Republic of Yugoslavia no. 4/77) states that, in disputes concerning employment, the Court shall pay special attention to the need to resolve such disputes as a matter of urgency.

E. Law on Associations and Foundations

32. The relevant part of the Law on Associations and Foundations of the Federation of Bosnia and Herzegovina (OG FBiH, no.45/02) provides as follows:

Article 2

Association is [...] every form of voluntarily associating of the citizens and legal entities aimed to [...] the achievement of some common interest or goal [...]

Article 11

(1) An association shall be created by, at least, three persons or legal entities [...]

(2) An association is founded by issuing a founding act.

Article 12

The founding assembly establishes the founding act, the statute of the association and the managing bodies.

Article 17

- (1) The managing organ of the association is the assembly.
- (2) [...] the assembly consists of all members of the association.
- (3) [...] the assembly will appoint one or more persons authorised to represent the association.

V. COMPLAINTS

33. The applicant alleges that he was discriminated against in the enjoyment of his right to work. He further alleges that his right to a fair trial before an impartial tribunal within a reasonable time has been violated and that he was discriminated against in the enjoyment of that right. He finally states that the courts have not provided him with an effective remedy.

VI. SUBMISSION OF THE PARTIES**A. The respondent Party****1. Regarding the admissibility**

34. The respondent Party argues that the application should be declared inadmissible *ratione personae* because the Association is “neither a Party to the Annex 6” nor an “organ of the respondent Party, Canton, Municipality or any other individual acting according to the authorisation of the official or organ of the respondent Party”. It submits that the Association is a form of voluntary association of the citizens and legal entities, which is regulated by the Law on Associations and Foundations. The managing body of the Association is the assembly of the members which appoints the persons authorised to represent the association.

35. In addition, the respondent Party alleges that applicant’s employment was terminated on 30 April 1993 and therefore before the entry into force of the Dayton Peace Agreement. Therefore, it asks the Chamber to declare the application inadmissible *ratione temporis*.

36. The respondent Party also objects that the applicant did not exhaust all the domestic remedies and recalls that the proceedings in the applicant’s case are still pending before domestic courts.

2. Regarding the merits of the application

37. Regarding the complaints brought under the Convention, the respondent Party submits that the complexity of the applicant’s claim before the domestic courts objectively justifies the length of the proceedings. The Federation further justifies the different postponements and hearings as such:

- the need for an interpreter for the applicant and several witnesses. However, the respondent Party also recognises that during several hearings the interpreter used was an employee of the Association.
- hearings were further adjourned due to the ongoing criminal proceedings against the applicant in application of Article 12 (3) of the Law on Civil Proceedings.
- hearings were also adjourned because of the conduct of the applicant: request for the disqualification of the President of the Panel, nomination of a financial expert; twice the applicant changed/modified his claim and thereby opened for to the Association the possibility to request a period of time for its answer (Article 265 of Law on Civil Court Proceedings).
- another hearing was adjourned because the applicant was requested to provide further documents based on Article 143 of the Law on Labour.

38. The respondent Party further claims that the periods between the hearings were mainly of one or two months. Based on this information and since the applicant has not substantiated the alleged

intention of the court to delay the proceedings, the Federation considers that Article 6 of the Convention was not violated.

39. Regarding Article 6 of the ICESCR, the Federation considers that the applicant's employment was terminated in accordance with Article 15 of the Decree on the Law on Labour Relations. Therefore, he lost his right to labour exclusively due to his own acts. Consequently, the respondent Party considers that Article 6 of the ICESCR was not violated.

B. The applicant

40. The applicant alleges that he was discriminated against on religious and ethnic grounds (*i.e.* his Serb origin) in the enjoyment of his right to work. He further alleges that his right to a fair trial before an impartial tribunal within a reasonable time has been violated and that he was discriminated against in the enjoyment of that right. He finally states that the courts have not provided him with an effective remedy.

41. In his latest observations the applicant repeats his previous allegations, contests the respondent Party's objection *rationae personae*, pointing out that, according to the Law on Associations and Foundations, the Ministry is responsible for the supervision over the legality of the work of the Association.

42. He also adds that there is an administrative dispute pending before the Supreme Court of the Federation initiated by the Association of Deaf Persons of the Herzegovina-Neretva Canton, requesting the annulment of the decision on the registration of the Sarajevo Association. The applicant states that it is obvious from this action that the Sarajevo Association exists as an ethnically clean Bosniak association.

43. Finally, the applicant requests the Chamber to order the respondent Party to pay him adequate compensation for the permanent loss of the employment, because it will be very hard for him, as a deaf person, to find another job.

VII. OPINION OF THE CHAMBER

A. Admissibility

44. Before considering the merits of the case the Chamber must decide whether to accept the case, taking into account the admissibility criteria set out in Article VIII of the Agreement. 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 [...] (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. Regarding the claim related to the termination of the employment

45. The Chamber notes that the applicant complains of discrimination in the enjoyment of his right to work due to the termination of his labour relations by the Association. However, the Chamber observes that the Association was and still is a private law entity, an association of citizens. The Chamber finds that the applicant's complaint does not concern an interference with his rights under the Agreement by the authorities of any of the signatories to the Agreement. Moreover, the Association is not capable of engaging the responsibility under the Agreement of any of the signatories to the Agreement. Therefore, pursuant to Article VIII(2)(c) of the Agreement, the Chamber declares inadmissible as incompatible *ratione personae* with the Agreement the parts of the application related to the termination of the applicant's employment contract.

2. Regarding the claim relating to the court interpreters

46. The Chamber notes that the application raises issues of fairness of the trial in that the interpreters used during the hearing should have been independent of the parties to the litigation. However, the Chamber observes that in the proceedings before the Municipal Court I of Sarajevo, the applicant failed to raise either in form or in substance the claim concerning the impartiality of the interpreters. Accordingly, the applicant has failed to exhaust domestic remedies in relation to this claim, as required by Article VIII(2)(a) of the Agreement. The Chamber therefore decides to declare this part of the application inadmissible too.

3. Conclusion as to admissibility

47. The Chamber further finds that no other grounds for declaring the case inadmissible have been established. Accordingly, the Chamber declares admissible the part of the application concerning the alleged violation of Article 6 of the Convention with regard to the length of proceedings. The Chamber declares inadmissible the remainder of the applicant's complaints.

B. Merits

48. 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.

49. The applicant complains about the length of the proceedings before the Municipal Court, the Cantonal Court and the Cantonal Commission. The respondent Party states that the delays were the consequence of external elements, including the need for interpreters and the conduct of the applicant. The Federation considers that the time it took for the Municipal Court to issue a decision is reasonable.

50. 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...."

1. Determination of the civil character of the proceedings

51. The Chamber recalls that in its constant jurisprudence it has considered that disputes relating to private employment relations concern "civil rights and obligations". The Chamber further notes that this point has not been put at issue by the parties. Therefore, the Chamber considers that the "right" claimed by the applicant before the domestic courts is a "civil right" within the meaning of Article 6 paragraph 1 of the Convention. Consequently, the Chamber considers that Article 6 of the Convention is applicable.

2. Length of the proceedings

52. The first step in establishing the reasonableness of the length of the proceedings is to determine the period of time to be considered.

53. The proceedings before the Municipal Court I of Sarajevo initiated on 10 May 1996 were concluded on 24 April 2001 by the issuance of a partial decision declaring the applicant's claim well-founded and reserving the decision regarding the compensation claim. Both parties initiated appeal proceedings before the Cantonal Court in Sarajevo. On 8 November 2001 the Cantonal Court suspended the court proceedings and referred the case to the Cantonal Commission. As of today, the case is still pending before the Cantonal Commission. In summary, the proceedings have lasted 6 years and 11 months as of the date of the present decision, principally due to the fact that it took the Municipal Court almost five years to issue its first decision in the applicant's case.

54. 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; Eur. Court HR, *Rajčević v. Croatia*, judgment of 23 July 2002, paragraph 36).

55. The respondent Party alleges that the length of the proceedings is primarily a consequence of the conduct of the applicant and of other external elements (see paragraphs 37 and 38 above).

56. The Chamber notes that the legal issues in the underlying case concern a labour dispute and the termination of the applicant's employment contract. The Chamber is aware that the applicant contributed to the delay of the procedure and that the parallel criminal proceedings until 13 December 1999 might have caused some further delay in the civil proceedings. However these elements do not explain why it required almost five years of proceedings to issue a first decision, having in mind that this decision is only partial.

57. Furthermore, the Chamber observes that the applicant's case is still pending before the Cantonal Commission for the Implementation of Article 143 of the Law on Labour. This Commission can only award the applicant a severance payment on the basis of finding that the applicant's employment was validly terminated on the basis that he was an employee on the waiting list. The municipal Court, however, established that the termination of the applicant's employment was illegal and found his request well-founded. The Cantonal Commission does not appear to be the appropriate organ to decide on the applicant's case. Therefore the Chamber considers that the present case has been pending for almost seven years and that the body presently in charge of it is not competent to solve it.

58. Having considered all these elements, the Chamber finds that the length of the proceedings has been unreasonable and that the respondent Party is responsible for this.

59. The Chamber therefore finds a violation of Article 6 paragraph 1 of the Convention with regard to the right to reasonable time aspect.

VIII. REMEDIES

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

61. The applicant in his last submissions requests adequate compensation for permanent loss of employment taking into account his qualification and requests the Chamber to find a violation of Article 6 of the Convention and Article 6 of the ICESCR.

62. The Chamber notes that it has found a violation of the applicant's right to a fair hearing within a reasonable time as guaranteed by Article 6 paragraph 1 of the Convention, but not discrimination in the enjoyment of the right to work. It considers it appropriate to order the respondent Party to take all necessary steps to ensure that the applicant's case is resolved by a final and binding decision in a reasonable time.

63. 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 before the domestic organs.

64. Accordingly, the Chamber will order the respondent Party to pay to the applicant the sum of 1000 Convertible Marks (*Konvertibilnih Maraka*) in recognition of his suffering as a result of his inability to have his case decided within a reasonable time.

65. The Chamber further awards simple interest at an annual rate of 10% 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 in the preceding paragraph or any unpaid portion thereof until the date of settlement in full.

IX. CONCLUSION

66. For the above reasons, the Chamber decides,

1. unanimously, to declare admissible under Article 6 of the European Convention on Human Rights the part of the application relating to the length of the domestic proceedings in the applicant's civil case;

2. unanimously, to declare inadmissible the remainder of the application;

3. unanimously, that there has been a violation of the applicant's right to a fair hearing within a reasonable time under Article 6 paragraph 1 of the European Convention on Human Rights, the Federation of Bosnia and Herzegovina thereby being in breach of Article I of the Human Rights Agreement;

4. unanimously, to order the Federation of Bosnia and Herzegovina, through its authorities, to take all necessary steps to ensure that the applicant's case is resolved by a final and binding decision in a reasonable time;

5. 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 (1000) Convertible Marks ("*Konvertibilnih Maraka*") by way of compensation for non-pecuniary damages;

6. 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

7. unanimously, to order the Federation of Bosnia and Herzegovina to report to it no later than three 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