PRESS RELEASE
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Human Rights Chamber Delivers 9 Decisions on Admissibility and Merits and 2 Decisions on Review

On **Friday, 5 December 2003 at 9:00 a.m.** in the Cantonal Court building, Šenoina St. 1, Sarajevo, the Human Rights Chamber for Bosnia and Herzegovina delivered 9 decisions on admissibility and merits and 2 decisions on review. A summary of each case follows.

1. CH/99/2432 Nikola IVIĆ v. the Federation of Bosnia and Herzegovina
2. CH/99/3375 E.Ž. v. the Federation of Bosnia and Herzegovina
3. CH/00/6304 Ljubica KOVAČEVIĆ v. the Federation of Bosnia and Herzegovina
4. CH/02/8770 DOBOJPUTEVI D.D. v. the Republika Srpska
5. CH/02/8879 CH/02/8880, CH/02/8881, CH/02/8882, CH/02/8883, CH/02/9384 and CH/02/9386, Sadija SMAJIĆ, Derva ĆOSIĆ, Zema and Ferid DŽAFIĆ and Nermina DŽAFIĆ v. the Republika Srpska.
6. CH/02/9180 Boško and Mara JOVANOVIĆ v. the Federation of Bosnia and Herzegovina
7. CH/02/11033 ASSOCIATED WORKERS' UNION OF THE FEDERATION OF BOSNIA AND HERZEGOVINA v. the Federation of Bosnia and Herzegovina
8. CH/03/12994 Vidosava MIČIĆ v. Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina and the Republika Srpska
9. CH/03/14055 Verica GAJIĆ v. the Federation of Bosnia and Herzegovina and the Republika Srpska
10. CH/98/668 Ranko and Goran ĆEBIĆ v. the Federation of Bosnia and Herzegovina (Decision on Review)
11. CH/01/6930 KOMPAS MEĐUGORJE D.D. and Zoran BUNTIĆ v. the Federation of Bosnia and Herzegovina (Decision on Review)

CH/99/2432 Nikola IVIĆ v. the Federation of Bosnia and Herzegovina

Factual background
The case concerns the attempts of the (now deceased) applicant, a citizen of Bosnia and Herzegovina of Serb ethnic origin, who was displaced in 1995, to return to his privately-owned property consisting of agricultural land and buildings in the municipality of Glamoč in the Federation of Bosnia and Herzegovina. The property concerned is located within an area designated as a military training range for the Army of the Federation of Bosnia and Herzegovina (the "Federation Army").

In 1998, the Federation government issued a Declaration of General Interest for the expropriation of the land in the area, including the applicant's land. However, the applicant's land has never been expropriated and the applicant was never paid any compensation.

Alleged violations of human rights
The applicant alleged, *inter alia*, a violation of the right to respect for his homes (Art. 8 of the European Convention on Human Rights), and of the right to peaceful enjoyment of possessions (Art. 1 of Protocol No. 1 to the Convention), the right to freedom of movement (Art. 2, paragraph 1 of Protocol No. 4 to the Convention).

The applicant further complained of discrimination because allegedly the military training range affects only persons of Serb origin.

Findings of the Chamber
In the Chamber's opinion, the will of the respondent Party to expropriate the property of the applicant, as manifested in the decision on declaration of general interest, caused the applicant's right to property to become precarious and defeasible. Under these circumstances, the applicant, while still alive, could not be expected to return, repair the war damages, invest in his property and resume farming. The Chamber found that this state constituted an interference with the applicant's right to peaceful enjoyment of his possessions within the meaning of Article 1 of Protocol No. 1 to the Convention. The Chamber further found that the respondent Party in the expropriation proceedings affecting the applicant's property had failed to follow the procedure set out in the Law on Expropriation and its formal requirements. Therefore the Chamber found a violation of the right to peaceful enjoyment of possessions protected by Article 1 of Protocol No. 1 to the Convention.

The Chamber further found that the applicant's right to respect for his home within the meaning of Article 8 of the Convention had been violated. The Chamber found that no discrimination against the applicant could be established.

Remedies
The Chamber ordered the Federation of Bosnia and Herzegovina to pass a formal decision to the effect that the Government of the Federation of Bosnia and Herzegovina withdraws its declaration of general interest of 14 May 1998 and renounces its intention to expropriate the applicant's plots. This decision must be published no later than 5 February 2004. It should be published in the same way as the decision of 14 May 1998 which declares the general interest for expropriation. The Chamber also ordered the respondent Party to inform the applicant's heirs no later than 5 January 2004 that it has given up the intention to expropriate the applicant's property. The Chamber further ordered the Federation to inform the applicant' s heirs as soon as the decision withdrawing the declaration on general interest is published.

The Chamber also ordered the respondent Party to compensate the applicant's heirs for the applicant's lost income for the period from 14 May 1998 until the applicant's death in April 2001. The respondent Party was ordered to set up an appropriate mechanism to decide upon an equitable compensation for lost income, e.g. by appointing a group of experts to evaluate the damage. The Chamber further ordered the respondent Party to pay to the applicant's heirs an initial sum of 1,000 KM, by 5 February 2004, as an advance for the compensation due. The compensation awarded for pecuniary damages must be paid out completely to the applicant's heirs no later than 5 May 2004.

The Chamber, bearing in mind the fact that the respondent Party failed to properly implement the Chamber's decisions on admissibility and merits and on further remedies in the related cases CH/99/2425 Ubović *et al.,* reserved the right that the Commission for Human Rights within the Constitutional Court to issue a decision on possible further remedies.

CH/99/3375 E.Ž. v. the Federation of Bosnia and Herzegovina

Factual background
The applicant was an employee of the Ministry of Interior of Bosnia and Herzegovina - Public Security Station Bihać, and worked as a criminal inspector until 16 July 1994, when he was suspended and later dismissed from his position. On 20 October 1994, he initiated civil proceedings before the Municipal Court in Bihać requesting the annulment of the decision terminating his employment and compensation for lost salaries. Although, the court issued a partial decision annulling the decision terminating his employment, proceedings upon the applicant's request for compensation for lost salaries are still pending before the Municipal Court in Bihać.

Alleged violations of human rights
The applicant complains that he was discriminated against in the enjoyment of his right to work on the ground of his political opinion. He alleges that his employment was terminated in 1994 because he did not want to become a member of the ruling political party (the SDA). The applicant also complains of violation of his right to a fair trial within a reasonable time, protected under Article 6(1) of the Convention.

Findings of the Chamber
As regards the admissibility, the Chamber decided that it is not competent to deal with the part of the application relating to the termination of the applicant's employment, which occurred before the entry into force of the Agreement. Further, the Chamber found that the Municipal and Cantonal Courts in Bihać have not decided the applicant's case within a reasonable time violating the applicant's right to fair hearing within the reasonable time as guaranteed by Article 6 of the Convention.

Remedies
The Federation was ordered to take all necessary steps to ensure that the applicant's compensation claim is decided before the court by a final and binding decision not later than 5 May 2004, as well as to pay the applicant the sum of 2,000 KM by way of compensation for non-pecuniary damages.

CH/00/6304 Ljubica KOVAČEVIĆ v. the Federation of Bosnia and Herzegovina

Factual background
The case deals with the attempts of applicant, who is of Serb origin, to regain possession of her pre-war home in Lukavac, ulica Albin Herljević 14/6, the Federation of Bosnia and Herzegovina. On 14 March 1996, the applicant submitted a request for repossession of the apartment to the Service for Work, Social Policies and Refugees of Lukavac Municipality, but soon afterwards she was informed by the Service that there were no legal provisions in place to regulate those issues. On 28 January 2000, the Service for Utility and Housing Affairs and Local Community Affairs of Municipality Lukavac (hereinafter "the Service") issued a procedural decision terminating the applicant's occupancy right over the apartment Albin Herljević street no. 14/6, because she did not submit a request for repossession within the time limit established by law. On 8 February 2000, the applicant again submitted a request for repossession of the apartment to the Service, which on 23 March 2000 rejected her request as untimely. On 18 June 2001, the Service, in renewed proceedings, issued a procedural decision establishing that the applicant was the occupancy right holder over the disputed apartment and that she had the right to repossess the apartment. On 16 July 2001, the applicant submitted a request for enforcement of this procedural decision. On 24 September 2003, the applicant informed the Chamber that the respondent Party has not yet enforced its decision of 18 June 2001.

Alleged violations of human rights
The applicant alleges a violation of her right to respect for her home (Article 8 of the European Convention on Human Rights) and to property (Article 1 of Protocol No. 1 to the Convention).

Findings of the Chamber
The Chamber found that the non-enforcement of the decision of 18 June 2001 constitutes a violation of the right of the applicant to respect for her home and her right to property.

Remedies
The Chamber ordered the Federation of Bosnia and Herzegovina to take all necessary steps to ensure enforcement of the decision of 18 June 2001 without further delay and at the latest by 5 January 2004. The Chamber ordered the Federation to pay to the applicant compensation KM 1,200 in recognition of her suffering as a result of her inability to regain possession her apartment. In addition, the Federation shall pay for the loss of the use of her home KM 5,600. The Federation shall also continue to pay to the applicant KM 200 monthly until the end of the month in which the applicant regains possession of her apartment.

CH/02/8770 DOBOJPUTEVI D.D. v. the Republika Srpska

Factual background
The case concerns the applicant's attempts to prevent the expropriation of its land before the administrative organs and the courts.

In late 1999 the ODP Dobojputevi rejected a request to give its consent to the expropriation of its land for the purpose of building a refugee settlement. Nonetheless, on 1 March 2000, a procedural decision on expropriation of the disputed land was issued. ODP Dobojputevi's appeal against this decision was rejected. On 25 May 2000 ODP Dobojputevi initiated an administrative dispute before the Supreme Court of the Republika Srpska ("the Supreme Court"). The applicant, the joint stock company Dobojputevi d.d., legally succeeded the ODP Dobojputevi as the plaintiff in these proceedings. It appears that up to date the Supreme Court has neither held any hearings in the case nor issued a decision. Proceedings are still pending. In July 2003 the applicant addressed the Chamber claiming that facilities for refugees have already been built on the land.

Alleged violations of human rights

The applicant alleges that the procedural decision on expropriation of 1 March 2000 violates, *inter alia*, its rights under Article 6 of the European Convention on Human Rights and Article 1 of Protocol No. 1 to the Convention. The applicant claims that the respondent Party carried out the expropriation in an unlawful manner. It argues that the actions of the respondent Party violate the provisions of the Law on Expropriation of the Republika Srpska and the Decision of the High Representative of 27 April 2000. The applicant argues that the respondent Party has not requested a waiver from the Office of the High Representative exempting it from the ban on re-allocation of state-owned land in the present case.

With regard to its inability to have its civil right to prevent the expropriation of its land determined before the administrative organs and courts the applicant further alleges a violation of its right to have a fair and public hearing within a reasonable time as guaranteed under Article 6 of the Convention.

Findings of the Chamber

The Chamber declared admissible the complaint under Article 6, paragraph 1 of the Convention with regard to length of the proceedings in the administrative dispute pending before the Supreme Court since May 2000 and declared the remainder of the application inadmissible.

The Chamber found the Republika Sprska to have violated the applicant's rights under Article 6 paragraph 1 of the European Convention on Human Rights with regard to the length of proceedings in the administrative dispute pending before the Supreme Court since May 2000. In particular, the Chamber noted that since the initiation of proceedings before the Supreme Court in May 2000 it appears that the court failed to hold any hearings in the case or to issue any decision. The Chamber found the failure of the Supreme Court to act in the proceedings to be even more unreasonable in light of the applicant's plausible claim that the expropriation process severely interferes with its business operations and that it causes an intolerable state of legal uncertainty for the applicant.

Remedies

The Republika Srpska was ordered to take all necessary steps to promptly conclude the pending administrative dispute before the Supreme Court. No pecuniary compensation was ordered.

CH/02/8879, CH/02/8880, CH/02/8881, CH/02/8882, CH/02/8883, CH/02/9384 and CH/02/9386 Sadija SMAJIĆ, Derva ĆOSIĆ, Zema and Ferid DŽAFIĆ and Nermina DŽAFIĆ v. the Republika Srpska.

Factual background

The applications were filed by the immediate family members of persons missing from Višegrad, a small town in the Republika Srpska in eastern Bosnia and Herzegovina. All the missing persons are of Bosniak origin. They disappeared between May and June 1992, allegedly after being taken prisoner by soldiers of the Army of Serbs in Bosnia and Herzegovina (the "RS Army") during the armed conflict in Višegrad. Tracing requests were opened with the International Committee of the Red Cross ("ICRC") for all the missing persons in 1995 or 1996. All the applicants seek information about the fate and whereabouts of their missing loved ones, but none has received any such specific information from the competent authorities since the events underlying their applications.

Alleged violations of human rights
The applicants allege that, as close family members of missing persons from Višegrad, they are themselves victims of alleged or apparent human rights violations resulting from the lack of specific information on the fate and the whereabouts of their loved ones last seen in 1992. They seek to know the truth. All of the applicants also seek compensation for their continuing suffering.

Findings of the Chamber
The Chamber concluded that the respondent Party's failure to make accessible and disclose information requested by the applicants about their missing loved ones from Višegrad constitutes a violation of its positive obligations to secure respect for their rights to private and family life, as guaranteed by Article 8 of the Convention. In addition, the respondent Party's failure to inform the applicants about the truth of the fate and whereabouts of their missing loved ones, including conducting a meaningful and effective investigation into the events at Višegrad in May 1992 and the months thereafter, violates their rights to be free from inhuman and degrading treatment, as guaranteed by Article 3 of the Convention.

Remedies
As remedies for the established violations, the Chamber ordered the Republika Srpska, as a matter of urgency, to release all information presently within its possession, control, and knowledge with respect to the fate and whereabouts of the missing loved ones of the applicants. The Republika Srpska shall also disclose all information on the location of any gravesites, individual or mass, primary or secondary, of the victims of the Višegrad events not previously disclosed. In addition, the Chamber ordered the Republika Srpska to conduct a full, meaningful, thorough, and detailed investigation into the events giving rise to the established human rights violations within six months.

Lastly, although the Chamber declined to make any individual awards of compensation, it ordered the Republika Srpska to make a lump sum contribution to the Institute for Missing Persons in the total amount of one-hundred thousand Convertible Marks (100,000 KM), to be used in accordance with the Statute of the Institute for Missing Persons for the purpose of collecting information on the fate and whereabouts of missing persons primarily from the Municipality of Višegrad, to be paid within six months.

CH/02/9180 Boško and Mara JOVANOVIĆ v. the Federation of Bosnia and Herzegovina

Factual background
The applicants Mara and Boško Jovanović are a married couple of Serb origin who were forced to flee from Glamoč when the Croatian Defence Council (*Hrvatsko Vijeće Obrane*, "HVO") attacked the town on 28 June 1995 during the armed conflict in Bosnia and Herzegovina. They spent three months as refugees travelling towards Banja Luka, when, on 9 September 1995, the HVO attacked Mrkonjić Grad and intercepted the line of refugees. Mara Jovanović disappeared during this attack, and her husband has never seen her again; however, he heard that his wife was held captive by the HVO for some time near Mrkonjić Grad. On 11 January 1996, Boško Jovanović opened a tracing request vis-à-vis his missing wife with the International Committee of the Red Cross. He also registered Mara Jovanović as a missing person with the Commission for Tracing Missing and Detained Persons of the Republika Srpska. The authorities of the respondent Party have provided no information whatsoever on the fate or whereabouts of Mara Jovanović to date and she remains missing.

Alleged violations of human rights
The applicant Boško Jovanović alleges violations of Article 2 (right to life) and Article 5 (right to liberty and security of person) of the Convention vis-à-vis his missing wife, as well as Article 3 (prohibition of torture, inhuman or degrading treatment) and Article 8 (right to respect for private and family life) of the Convention on his own behalf. He states, "I never received any information on the fate of my wife, who is also the mother of my daughter. Our private and family lives were destroyed, as well as all these years of anxiety and anguish caused by the uncertain fate of my wife."

Findings of the Chamber
With respect to the claims on behalf of Mara Jovanović under Articles 2 and 5 of the Convention, the Chamber declared the application inadmissible *ratione temporis* due to the lack of sufficient evidence that she was alive and held in detention after 14 December 1995.

With respect to the claims on behalf of Boško Jovanović under Articles 3 and 8 of the Convention, the Chamber concluded that the respondent Party has violated his human rights in that it has failed to clarify the fate and whereabouts of his missing wife, and in addition, it has failed to disclose to him information within its possession and control about the fate and whereabouts of his missing wife.

Remedies
As remedies for Boško Jovanović, the Chamber ordered the Federation to conduct a full, meaningful, thorough, and detailed investigation into the events giving rise to the established human rights violations, with a view to making known the fate and whereabouts of Mara Jovanović and to bringing the perpetrators of any crimes committed against her to justice before the competent domestic or international criminal courts. The Chamber further ordered the Federation to release as a matter of urgency all information presently within its possession, control, and knowledge with respect to the fate and whereabouts of Mara Jovanović. Lastly, the Chamber ordered the Federation to pay to Boško Jovanović KM 6,000 as compensation for his mental suffering, as well as to reimburse him for travel expenses incurred during the proceedings before the Chamber.

CH/02/11033 ASSOCIATED WORKERS' UNION OF THE FEDERATION OF BOSNIA AND HERZEGOVINA v. the Federation of Bosnia and Herzegovina

Factual background
The applicant, the Associated Workers' Union of the Federation of Bosnia and Herzegovina, is a citizens' association of workers from the Federation of Bosnia and Herzegovina. In 1998, the Ministry of Justice of the Federation of Bosnia and Herzegovina refused to enter the applicant association into the registry of citizens' associations. The Ministry found that the applicant's name was misleading, as it could not be inferred from it whether it consisted of other trade unions, or of individual citizens. Moreover, the Ministry found that the registration request was submitted more than fifteen days after the applicant association had held its founding assembly. The applicant associations' complaints to the domestic courts were unsuccessful. However, the International Labour Organisation in Geneva issued a recommendation to the Government of the Federation of Bosnia and Herzegovina to enable the applicant association to be registered.

Alleged violations of human rights
The applicant association complains that it was not registered as a citizens' association although it was entitled to be so, and that it cannot exercise its functions as a trade union in the absence thereof.

Findings of the Chamber
The Chamber found that in the applicable domestic law, there was no legal provision allowing rejection of registration on a general ground of ambiguity in name of an association. As to the fifteen day deadline for registration, the Chamber saw no compelling or convincing reason for the time-limit to be merely 15 days, without any possibility of extending it. The Chamber concluded that the refusal of the respondent Party to register the applicant association constituted an interference with its rights guaranteed under Article 11 of the Convention (right to form trade unions), which was not justified by any exception provided in paragraph 2 of this provision.

Remedies
The Chamber ordered the Federation of Bosnia and Herzegovina, as a matter of urgency, to admit the applicant association into the registry of citizens' associations, without further requirements, in any case no later than 5 January 2004. In addition, it ordered the respondent Party to pay to the applicant association the sum of 1,000 KM, in recognition of the injustice suffered.

CH/03/12994 Vidosava MIČIĆ v. Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina and the Republika Srpska

Factual background

The case concerns the disparity in pension amounts received by a pensioner who was displaced from the territory that became the Federation of Bosnia and Herzegovina and now lives on the territory of the Republika Srpska, and pensioners who remained in the Federation during the armed conflict.

The application raises issues under Article 1 of Protocol No. 1 to the European Convention on Human Rights and issues related to discrimination in the enjoyment of the rights guaranteed by Article 9 of the International Covenant on Economic, Social and Cultural Rights.

The applicant is a retired person of Serb origin who lived in Potpeć, Srebrenik Municipality, before the armed conflict and had been retired and receiving pensions from the pension fund of Bosnia and Herzegovina. During the war, pensions came to be administered by three separate funds. The applicant became a displaced person, and she now resides in Bijelina, on the territory of the Republika Srpska, where she receives pension payments from the Republika Srpska pension fund.

On 27 March 2000, the pension funds entered into an agreement under which pensioners would continue to be paid by the fund they were currently affiliated with, regardless of their place of residence. The Republika Srpska later unilaterally withdrew from this agreement, but continues to pay pensioners already recognized as its beneficiaries, including the applicant.

The applicant apparently holds rights over real property in the Federation, and she has obtained administrative decisions allowing her to repossess that property. She has not repossessed the property, however, and she continues to live in Bijelina in the Republika Srpska, where she receives her pension. She complains of disparities in pension amounts between the Entities, and claims that she is entitled to a pension from the Federation fund.

As a practical matter, pension payment amounts are higher in the Federation than in the Republika Srpska. Thus, a person who retired in the Federation and held a pension there before the armed conflict, but later began receiving pension payments from the Republika Srpska pension fund after displacement to the Republika Srpska, receives a lower pension payment from the Republika Srpska fund. Such a person would receive a pension much lower than a person who had made similar pension contributions during their working life but remained on the territory of what is now the Federation throughout the armed conflict. This is the situation of the present applicant.

Alleged violations of human rights

The applicant claims that her property rights under Article 1 of Protocol No. 1 to the Convention have been violated. She also appears to complain that she has been discriminated against in the enjoyment of her right to social security under Article 9 of the International Covenant on Economic, Social and Cultural Rights.

The applicant requests the Chamber to order that she be paid by the Federation pension fund, which she considers to be the geographic successor of the fund her husband paid into throughout his working life.

Findings of the Chamber

Article 1 of Protocol No. 1 to the Convention

The applicant complains that her property rights under Article 1 of Protocol No. 1 to the Convention have been violated. After declaring the applicant's other property rights claims inadmissible, the Chamber considered her claim based on the different amounts of pension payments between the Entities. The Chamber found, on the basis of the evidence presented to it, that the fact that the applicant receives a smaller pension than persons paid by the pension fund in the Federation of Bosnia and Herzegovina does not interfere with her rights under Article 1 of Protocol No. 1 to the Convention. As the Chamber has previously held, there is no right to receive social welfare benefits in a certain amount. Accordingly, there has been no violation by Bosnia and Herzegovina, the Federation

of Bosnia and Herzegovina or the Republika Srpska of the applicant's right to peaceful enjoyment of her possessions under Article 1 of Protocol No. 1 to the Convention.

Discrimination in the enjoyment of the rights guaranteed by Article 9 of the International Covenant on Economic, Social and Cultural Rights
The applicant's complaints fall within the scope of the social security rights protected by Article 9 of the International Covenant on Economic, Social and Cultural Rights, and the Chamber can consider violations of those rights in conjunction with discrimination.

Under current practice, the pension of a former Federation pensioner who is now paid by the Republika Srpska pension fund because he or she was displaced to the Republika Srpska during the armed conflict is significantly lower than the pension of a pensioner who remained in the Federation. The Chamber notes that the applicant has not repossessed her property in the Federation, but continues to live in Bijelina, in the Republika Srpska. In this respect, her situation differs from that of the applicants in the Chamber's previous *Kličković and Others* decision, in which the Chamber found discrimination against displaced persons who returned to Sarajevo but continued to be paid from the Republika Srpska pension fund. In that case, the Chamber found that the Federation, as a party to the inter-Entity pension agreement, had discriminated against the applicants in their enjoyment of the right to social security under Article 9 of the International Covenant on Economic, Social and Cultural Rights.

In the present case, the Chamber recognised that the Federation, by not paying the applicant a pension pursuant to the inter-Entity pension agreement, treats the applicant differently from recipients of family persons who, during the armed conflict, remained on the territory of what is now the Federation. The Chamber further concluded, however, that this different treatment falls within the Federation's margin of appreciation in administering pensions, considering that the Republika Srpska pension fund has come into existence and pays pensioners, like the applicant, who live on its territory. Thus, the Chamber concluded that the difference in treatment between the applicant and pensioners living in the Federation is proportional and does not constitute a violation of the rights claimed by the applicant. The applicant has not been discriminated against by the Federation or by the other respondent Parties in relation to her right to social security.

The Chamber noted, however, that facilitating the return of displaced persons is one of the main objectives of the Dayton Agreement. And, as the Chamber held in *Kličković and Others*, displaced person status cannot justify the inferior treatment of pensioners who have returned to the Federation. The current pension situation may not be allowed to stand as obstacle to return. Therefore, should the present applicant desire to return and live on her property in the Federation, any disproportionate treatment between her and pensioners who remained on the territory of the Federation during the armed conflict would, as the Chamber found in *Kličković and Others*, constitute discrimination.

CH/03/14055 Verica GAJIĆ v. the Federation of Bosnia and Herzegovina and the Republika Srpska

Factual background
The case concerns the applicant's attempt to obtain custody of her under-age son in divorce proceedings initiated before the First Instance Court in Gradiška and in the proceeding before the Centre for Social Work in Gradiška.

The applicant and her husband have two under-age children, a son 9 years old and a daughter 11 years old. The parties separated officially in early 2001. At that time the applicant's (former) husband and father of the children forcibly took away the applicant's son from school. Since then the son has been living with his father in Gradiška. The applicant obtained a court judgement awarding her custody over the children. This decision is not final.

In the proceeding before the Centre for Social Work, the applicant obtained a procedural decision temporarily placing the children in her custody until the completion of the proceedings before the

Court. The Centre for Social Work issued this decision on 28 February 2003, but it has not been enforced yet.

Alleged violations of human rights
The applicant complains of violations of the inefficiency and lack of impartiality of the Court and the Centre for Social Work.

Findings of the Chamber
The Chamber finds the application inadmissible insofar as it is directed against the Federation of Bosnia and Herzegovina.

The Chamber found the Republika Srpska has violated the applicant's right to respect for her family life under Article 8 of the Convention.

Remedies
The Republika Srpska was ordered to take all necessary steps through its authorities, to promptly execute the decision of the Centre for Social Work, in any event no later than 5 January 2004 and to pay to the applicant, by 5 January 2004, KM 2,500 by way of compensation for non-pecuniary damages.

Decision on Review:

CH/98/668 Ranko and Goran ĆEBIĆ v. the Federation of Bosnia and Herzegovina

Factual background
Around 15 September 1996, Goran Ćebić, the only son of Ranko Ćebić, disappeared from Sarajevo; he was officially registered as a missing person on 4 May 1998. Meanwhile, on 28 September 1996, an unidentified dead body was found in the River Bosna next to the Reljevo Bridge, about 15 kilometres from Sarajevo. After an autopsy was performed, the unidentified body was buried in the Municipal Cemetery of Visoko. On 22 June 2000, the corpse was exhumed, and on 25 June 2000, it was officially identified as Goran Ćebić's body by the Commission for Tracing Missing and Detained Persons of the Republika Srpska ("the RS Commission").

Although his son suffered from a serious neurological disease (phobic anxiety disorder and depression with suicidal tendencies), Ranko Ćebić has, since the beginning of his search to discover the fate of his son, always maintained that his son was killed and that his murder was covered up by the authorities of the Federation of Bosnia and Herzegovina. He argues that the authorities of the Federation purposely did not take the appropriate steps to locate the body of his son and later to investigate his death and find the perpetrators of what he insists must have been a murder. To date no physical evidence exists to support Ranko Ćebić's theory.

Decision on admissibility and merits
In the decision on admissibility and merits delivered on 4 July 2003, the Second Panel considered the claim of Goran Ćebić under Article 2 of the Convention (right to life) and the claim of Ranko Ćebić under Article 8 of the Convention (right to respect for private and family life). The Second Panel concluded, on the one hand, that the Federation did not violate Goran Ćebić's right to life because its authorities carried out the minimum investigations necessary to satisfy its positive obligation under Article 2 of the Convention. The Second Panel concluded, on the other hand, that the Federation did violate Ranko Ćebić's right to respect for his private and family life because it failed to satisfy its positive obligation under Article 8 of the Convention. As a remedy, the Second Panel ordered the Federation to pay compensation to Ranko Ćebić.

Request for review
The Federation submitted a request for review of the decision on admissibility and merits. In the decision on request for review, the plenary Chamber accepted review of this case only insofar as it concerns the merits of the claim of Ranko Ćebić under Article 8 of the Convention.

Findings of the Chamber

On review of the case, the Chamber noted that the crux of this case concerns whether the respondent Party, in performing or complying with its positive obligation due to Ranko Ćebić under Article 8 of the Convention, reasonably should have made the connection between the unidentified body and the disappearance of Goran Ćebić earlier. Certainly there was some degree of delay in making the connection, and the authorities may be criticised for their lack of efficiency. However, taking into consideration that Goran Ćebić was an adult who did not disappear under life threatening circumstances or while in the custody of agents of the respondent Party, that no evidence of criminal activity was found in relation to the unidentified body, and that Ranko Ćebić delayed reporting the disappearance of his son to the authorities, the Chamber could not find that the respondent Party acted arbitrarily. In the end, due to the combined actions of the Cantonal Prosecutor's Office in Sarajevo and the RS Commission, the unidentified body was identified as Goran Ćebić, and Ranko Ćebić was able to bury his son's body in the family tomb in Kopaci. In this manner the respondent Party fulfilled its positive obligation to secure respect for Ranko Ćebić's rights protected by Article 8 of the Convention. Therefore, on the record before it and in the specific circumstances of this case, the Chamber concluded that the respondent Party did not violate Article 8 of the Convention.

Remedies

Since the Chamber found no violation of Ranko Ćebić's rights protected by the Convention, it ordered no remedies, and the remedies previously ordered by the Second Panel on the basis of the finding of a violation of Article 8 of the Convention were set aside.

Decision on Review:

CH/01/6930 KOMPAS MEĐUGORJE D.D. and Zoran BUNTIĆ v. the Federation of Bosnia and Herzegovina

Factual background and proceedings

The case concerns the mobilisation, use, and rental to UN forces of the tourist facility "Kamp Međugorje" by Čitluk Municipality following the armed conflict in Bosnia and Herzegovina. Kamp Međugorje is owned by the company "Kompas Međugorje", of which Zoran Buntić is 76.74% owner, director, and authorised representative. Mr. Buntić purchased his shares in a sales contract dated 30 December 1998.

The case raises issues with regard to Article 1 of Protocol No. 1 to the European Convention on Human Rights and Article 6 of the Convention. The Chamber considers the application as brought by both Kompas Međugorje and Mr. Buntić.

In December 1992, the tourist facility Kamp Međugorje was mobilised for military use, and in February 1993 HVO Čitluk rented the facilities to the Spanish Battalion of UNPROFOR for DM 171,000 per month. On 23 December 1996, the Parliament of the Federation of Bosnia and Herzegovina issued its Decision on the Cessation of the Application of the Decision Declaring the State of War in the Territory of the Federation of Bosnia and Herzegovina, under which all institutions were ordered to resume work in accordance with peacetime regulations.

Beginning as early as October 1996, Čitluk Municipality received rent payments for the facility, which continued until the departure of the Spanish Battalion on 31 January 2000. Following the departure of the Spanish Battalion, Čitluk Municipality continued to exercise control of the property and did not return it to Kompas Međugorje or Mr. Buntić. On 9 May 2001, the Federal Minister of Defence wrote to the Mayor of Čitluk Municipality, advising him that the legal basis for mobilisation of Kamp Međugorje ceased to exist on 23 December 1996 and that Čitluk Municipality was using the property illegally. The letter ordered Čitluk Municipality to vacate the camp by 25 May 2001.

Beginning in 1999, Mr. Buntić has attempted to prosecute numerous legal actions on behalf of Kompas Međugorje to obtain the return of the property. Little or no action has been taken in his cases, however, and the Kamp Međugorje property has not been returned to Kompas Međugorje or Mr. Buntić.

Alleged violations of human rights
The applicants complain that the unlawful use of the Kamp Međugorje facility by Čitluk Municipality following the declared cessation of the state of war, and Čitluk Municipality's receipt of compensation for such use, violate their property rights under Article 1 of Protocol No. 1 to the Convention. The applicants further complain of violations of the right to a fair trial within a reasonable time under Article 6 of the Convention.

The applicants request the Chamber to order the respondent Party to demobilise Kamp Međugorje and return it to its owner, and to pay damages.

Findings of the Chamber

Admissibility
The Chamber first declared the application of Kompas Međugorje d.d. admissible and declared the application of Mr. Zoran Buntic, in his personal capacity, inadmissible for lack of standing. The Chamber then considered the merits of the case in relation to Kompas Međugorje d.d.

Article 1 of Protocol No. 1 to the Convention
Beginning on 10 December 1992, and continuing through the end of the state of war to the present, HVO Čitluk and Čitluk Municipality have either directly controlled the Kamp Međugorje property or rented it to UNPROFOR and SFOR. The property has never been returned to Kompas Međugorje or Zoran Buntić, its authorised representative, who has been denied entrance to the property. Having regard to these facts, the Chamber finds that the Federation of Bosnia and Herzegovina has interfered with and continues to interfere with the applicant's property rights.

The Chamber further concludes that, while the respondent Party's actions during and shortly following the state of war were taken in the general interest, any legitimate purpose for Čitluk Municipality's control over Kamp Međugorje ceased to exist on 23 December 1996, when the Federation Parliament declared an end to the immediate threat of war in the Federation and ordered all institutions and persons to resume their work in accordance with peacetime regulations. Since that date, there has been no legal basis for Čitluk Municipality's continued holding of the Kamp Međugorje property.

Accordingly, there has been a violation by the Federation of Bosnia and Herzegovina of the applicant's right to peaceful enjoyment of its possessions under Article 1 of Protocol No. 1 to the Convention.

Article 6 of the Convention
Beginning in 1999, numerous legal actions have been brought on behalf of Kompas Međugorje to obtain the return of the property, compensation for unjust enrichment, and other relief. These court proceedings have been pending for four and one-half years, with no action taken except for a few minor procedural rulings in one case.

The Chamber finds no justification for the significant delays and judicial procrastination in this property rights case. Accordingly, the Chamber finds that the Federation of Bosnia and Herzegovina has violated the applicant's right to a fair hearing within a reasonable time under Article 6(1) of the Convention.

Remedies
The Chamber has concluded that the respondent Party's continuing control over the Kamp Međugorje property following official declarations ending the state of war constitutes an unlawful interference with the applicant Kompas Međugorje d.d.'s property rights under Article 1 of Protocol No. 1 to the European Convention on Human Rights.

The Chamber therefore orders the Federation of Bosnia and Herzegovina to secure the immediate return of the Kamp Međugorje property to Kompas Međugorje d.d., by no later than 5 January 2004.

The Chamber also orders the Federation to ensure that the level of compensation for the violation of Article 1 of Protocol No. 1 to the Convention found in this case be determined fairly and expeditiously by the domestic courts, by no later than 5 May 2004.

The Chamber further orders the Federation to carry out all appropriate criminal investigations in relation to this matter, with a view to bringing the perpetrators to justice.