



OPINION

Date of adoption: 18 March 2011

Case No. 05/07

Slavko VULIĆ

against

UNMIK

The Human Rights Advisory Panel sitting on 18 March 2011 with the following members present:

Mr Paul LEMMENS, Presiding Member
Ms Christine CHINKIN

Assisted by
Ms Anila PREMTI, Acting Executive Officer

Having noted Mr. Marek NOWICKI's withdrawal from sitting in the case pursuant to Rule 12 of the Rules of Procedure,

Having considered the aforementioned complaint, introduced pursuant to Section 1.2 of UNMIK Regulation No. 2006/12 of 23 March 2006 on the Establishment of the Human Rights Advisory Panel, as amended,

Having deliberated, makes the following findings:

I. PROCEEDINGS BEFORE THE PANEL

1. The complaint was introduced on 15 September 2007 and registered on 18 October 2007. At the commencement of proceedings before the Human Rights Advisory Panel (the Panel), the complainant was represented by Praxis, a non-governmental

organisation based in Belgrade, Serbia. The complainant later decided to represent himself before the Panel.

2. The Panel communicated the case to the Special Representative of the Secretary-General (SRSG) on 7 February 2008 giving him the opportunity to provide comments on behalf of UNMIK on the admissibility and merits pursuant to Rule 30 of the Panel's Rules of Procedure. The SRSG did not avail himself of this opportunity.
3. On 7 May 2008 the Panel declared the complaint admissible.
4. On 9 May 2008, the Panel communicated the case to the SRSG pursuant to Section 11.3 of UNMIK Regulation No. 2006/12 of 23 March 2006 on the Establishment of the Human Rights Advisory Panel to obtain UNMIK's response on the merits of the case.
5. On 16 September 2008 the SRSG responded, attaching a 4 September 2008 letter from the KPA, and invited the Panel to seek information directly from the HPD's successor organisation, the KPA. On 25 September and 6 October 2008, the Panel forwarded the SRSG's comments to the complainant for response.
6. On 15 October 2008, the complainant responded with comments and additional information.
7. On 29 October 2008, the Panel requested copies of the KPA's files in relation to the complainant's claim. On 17 November 2008 the KPA provided the full case file.
8. On 17 December 2008, the Panel requested additional information from the KPA. The KPA responded on 14 January 2009 and indicated that it would be willing to assist the complainant in resolving his case on an exceptional basis.
9. The Panel forwarded the KPA's letter to the complainant on 23 January 2009. On 12 February 2009, the complainant responded.
10. On 18 May 2009 and 11 June 2009, the complainant provided additional information to the Panel.
11. On 17 June 2009, the Panel was made aware that the complainant and the KPA had reached an agreement regarding the execution of the decision in the complainant's case. The decision was then executed on 24 June 2009.
12. Following the execution of the decision, the Panel inquired of the complainant as to whether he wished to continue his case before the Panel. The complainant indicated that he wished to pursue his complaint.

II. THE FACTS

A. Facts prior to the Panel's decision on admissibility

13. The complainant was a resident of Kosovo then living as a displaced person in Serbia.
14. Prior to the hostilities, the complainant lived with his family in the village of Rudicë/Rudice in Klinë/Klina Municipality, in the house of his late father. On the same piece of land there was a second house, also belonging to the family. The complainant left Kosovo in June 1999. After the complainant's departure, the first house was occupied by a third person and his family. The second house was damaged and could not be inhabited. As will be explained below, the fact that both houses were located on the same piece of land, with the same cadastral number, was a source of confusion for the authorities dealing with the complainant's claim for repossession of his property.
15. On 2 May 2002, the complainant filed a claim with the Housing and Property Directorate (HPD) seeking repossession of his property. The claim was about the first house mentioned above (§ 14), but the complainant also mentioned the existence of the second house.
16. The Housing and Property Claims Commission (HPCC) of the HPD issued a decision on 29 April 2005, granting the complainant's claim and determining that the complainant was in uncontested possession of the property prior to 24 March 1999. However, the decision also noted that "[t]he residential property in respect of which the claim has been lodged was destroyed after the claimant lost possession of the property and the land parcel is now vacant".
17. On 7 July 2005, the complainant filed a request for reconsideration against the 29 April 2005 decision. He mentioned that he had visited his property in 1999, 2003 and 2005, and had noticed that the claimed house was intact and occupied by another family since 1999. By contrast, the second house on the same piece of land was burned. The walls and the ceiling of that house were, however, preserved, so that the family living in the first house used the second house as a place for the cattle. According to the complainant the HPCC based its decision on a material error.
18. The HPCC granted the request for reconsideration by decision of 16 November 2006. It accepted that the claimed property was not destroyed and was in fact illegally occupied by another party. The HPCC also noted that the current occupant of the house did not assert any right over the property, but only indicated that he and his family had no other place to live.
19. On 10 January 2007 both the complainant and the occupant were notified of the decision on reconsideration.
20. On 11 January 2007 the complainant filed a request for repossession.

21. On 20 February 2007 an eviction warrant was issued by the registrar of the Kosovo Property Agency (KPA), which in the meantime had succeeded the HPD.
22. The KPA tried to undertake an eviction on 28 February 2007. However, neighbours told the KPA officer that he was trying to carry out the eviction on a property belonging to another person, and the officer was directed to the destroyed house. The officer asked the KPA to contact the complainant and ask him about the property situation of both houses, but such contact could not be made. The officer then sealed the destroyed house. On 1 March 2007, the day before the complainant was supposed to collect the keys from the KPA, he came from Belgrade to visit his property and established that it was still occupied. For that reason he did not collect the keys, but complained to the KPA about the fact that the eviction had not taken place.
23. A second eviction was then scheduled for 19 April 2007. The KPA contacted the complainant on 10 March 2007 to inform him of the date of the eviction. The complainant would be able to collect the keys to the property on 20 April 2007. According to the KPA, it informed the complainant that the property would be considered repossessed as of 20 April 2007, whether or not the complainant collected the keys. The KPA also stated that the complainant was informed that the KPA would not execute a re-eviction after 72 hours from the initial eviction in the event that the property was re-occupied. After that date, the police would be responsible for eviction. The KPA states that the second eviction was successfully executed on the scheduled date with the locks changed and the property sealed. The keys were then deposited with the KPA regional office in Pejë/Peć as agreed. The complainant however, did not collect the keys. Again, the complainant states that on the day before he was supposed to collect the keys from the KPA, he visited his property and established that it was still occupied.
24. On 23 April 2007, the complainant informed the KPA that the property was still occupied. The KPA agreed on an “exceptional basis” to carry out another eviction “on the grounds that [the complainant] had been unable to secure the assistance of the police in repossessing his property.” The third eviction was scheduled for 19 June 2007. On 25 May 2007, the KPA informed the complainant that the keys would be ready for collection on 20 June 2007. The KPA states that the third eviction was successfully executed on the scheduled date with the locks changed and the property sealed. The keys were then deposited with the KPA regional office in Pejë/Peć as agreed. The complainant however, did not collect the keys. Again, the complainant states that the day before he was supposed to collect the keys from the KPA, he visited his property and established that it was still occupied.
25. On 9 August 2007, Praxis sent a letter to the KPA on behalf of the complainant, informing them that the property was still occupied by the illegal occupant and asking that the eviction be carried out. There is no record of a response from the KPA to this communication.
26. On 28 November 2007, Praxis again contacted the KPA on behalf of the complainant, informing them that the same illegal occupant continued to occupy the property and requesting that the KPA repossess the property. The KPA informed Praxis that its

authority on the matter had ended and that it was now a matter for law enforcement agencies.

27. On 12 February 2008, Praxis again contacted the KPA requesting assistance in the complainant's case. On 3 March 2008, the KPA agreed to repossess the property since the complainant was not able to secure the assistance of the police. The complainant then requested that he be present at the eviction itself. The KPA denied this request, on the grounds that its standard operating procedure forbids the presence of property right holders at evictions for safety reasons. However, the KPA stated that the complainant could collect the keys on the same day from the local police station. The complainant did not agree to this procedure and as a result the eviction was not performed. The KPA then suggested that the complainant contact the police to carry out the eviction, or in the alternative, to agree to follow the KPA's protocol.

B. Facts subsequent to the Panel's decision on admissibility

28. The complainant states that at the end of June 2008 he contacted the police in Klinë/Klina for assistance in evicting the illegal occupant. However, the police informed him that he should address the KPA, since the KPA was the competent authority in the matter and "the police can act only in case the property is re-occupied".
29. In August 2008, the complainant visited the property during a "Go and See" visit, arranged by the Danish Refugee Council, another NGO. During the visit, the complainant again saw the family that had been illegally occupying his house doing chores in the garden. He asserts that during the visit he was only allowed to visit the burned house on his property, not the occupied house.
30. In a letter of 15 October 2008 to the Panel, the complainant requested that the Panel order the KPA to "issue a written confirmation on [the] executed eviction after collecting [the] keys, so that I can address the police in case of re-occupation [of] my property".
31. On 17 December 2008 the Panel forwarded the complainant's letter to the KPA to obtain a response. On 14 January 2009 it received a reply in which the KPA reiterated its willingness to assist the complainant on an exceptional basis, so long as the complainant complied with the standard operating procedures for such an eviction.
32. The complainant replied to the Panel on 12 February 2009, indicating that he would be willing to agree to being absent during the eviction, so long as representatives of the Panel and the KPA were present during the eviction and that the KPA delivered the keys to the complainant in the presence of the Panel's representatives, directly in front of the house following the eviction. The Panel duly forwarded the response to the complainant, and indicated that it would be unable to entertain the complainant's request as to the presence of a representative, since such role was outside of the Panel's mandate.

33. The complainant states that during February 2009 he took part in a meeting of the Municipal Working Group for the Klinë/Klina Municipality, attended by representatives of the Municipality, the United Nations High Commissioner for Refugees (UNHCR), and the Glas Kosova (“Voice of Kosovo”) association. During this meeting, it was agreed that the illegal occupant would be allowed to stay in the complainant’s house until the latter’s return to Rudicë/Rudice village. Once the first group of returnees arrived, the Municipality would move the occupying family out of the house. The complainant also notes that it was agreed that he would be part of this first group of returnees. He would be able to move into his house, together with the other returnees. The latter would stay there temporarily, pending the reconstruction of their houses.
34. During the Municipal Working Group’s 29 April 2009 meeting, attended by representatives of the Municipality, the United Nations Development Programme (UNDP), UNHCR, the Danish Refugee Council, KFOR, the Kosovo Ministry of Communities and Returns, and the Internally Displaced Persons association “Bozur”, the UNDP project coordinator allegedly suggested that the complainant give the illegally occupying family 5 ares of land since they were socially vulnerable. A house could then be built for that family and their housing issue would be resolved. UNDP and the Municipality would then also jointly renovate the complainant’s burned house. The complainant contends that the Municipal Coordinator and the UNDP representative continued to pressure him to accept the offer after the regular meeting concluded. The complainant rejected the offer, noting that he wanted the illegal occupant removed. The complainant was allegedly told that, unless he was able to secure the eviction of the occupant and his family, he would be excluded from the return project.
35. On 7 May 2009, the first group of returnees returned to Rudicë/Rudice village. The complainant was not among them. On the same day Praxis sent a letter to UNHCR and the OSCE requesting that a representative from each organisation be present during the KPA’s eviction, to ensure that it took place. Only if UNHCR or the OSCE agreed would the complainant contact the KPA to schedule the eviction. UNHCR however, declined to be present at the eviction and the OSCE did not respond to the letter.
36. On 11 June 2009, the complainant again contacted the KPA, providing an overview of the factual circumstances up to that time, and requesting that the KPA allow him to be present during the eviction or, in the alternative, that the KPA issue a certificate after the eviction, indicating that the eviction was performed and the property was sealed.
37. Following a telephone conversation between the complainant and the KPA on 15 June 2009 and a letter from the KPA on 16 June 2009, the complainant and the KPA agreed on 17 June 2009 on a mutually agreeable course of action regarding the eviction. The eviction would take place on 24 June 2009 and be attended by the Head of the Enforcement Unit of the KPA, accompanied by a representative of Praxis. The complainant would watch the eviction from another house then being reconstructed. Following the eviction, the Head of the Enforcement Unit, the Head of the Eviction

Team and the representative of Praxis would meet the complainant in that house, for the signature of documentation and the handover of keys.

38. On 24 June 2009, the eviction took place as described above and the complainant accepted the keys to his property.

III. THE COMPLAINT

39. The complainant complains that the duration of the proceedings in his case, including the execution of the HPCC's decision, was incompatible with the right to a decision within a reasonable time as guaranteed by Article 6 § 1 of the European Convention on Human Rights (ECHR).
40. The complainant further complains about the fact that, at the date of filing of the complaint, the failure to execute the decision disregarded his ownership right and amounted to a *de facto* expropriation. In this respect he invokes a violation of Article 1 of Protocol No. 1 to the ECHR.
41. The complainant also argues that at that time he was prevented from accessing and repossessing his home and from freely enjoying his private space. According to him, UNMIK failed to protect his right to respect for the home and private life, and the KPA interfered with these rights without a proper justification. In this respect he invokes a violation of Article 8 of the ECHR.
42. The complainant finally argues that the above mentioned inability to execute the decision in his favour affects the "effectiveness" of the HPD/HPCC mechanism as a remedy in housing and property disputes. No other effective remedies are available. In this respect he invokes a violation of Article 13 of the ECHR.

IV. THE LAW

A. Alleged violation of Article 6 § 1 of the ECHR

1. Applicability of Article 6 § 1 of the ECHR

43. As a threshold question, the Panel must determine whether Article 6 § 1 of the ECHR applies in the present case. Article 6 § 1 of the ECHR states, in relevant part:

In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law [...].

44. Article 6 § 1 of the ECHR applies to determinations of one's "civil rights and obligations". The Panel notes that the proceedings before the HPCC related to the complainant's rights with respect to a particular residential property. The proceedings

therefore related to the determination of the complainant's property right, a right which is clearly of a "civil" nature (see European Court of Human Rights (ECtHR), *Zander v. Sweden*, judgment of 25 November 1993, *Publications of the Court*, Series A, no. 279-B, p. 40, § 27).

45. Article 6 § 1 of the ECHR in principle only applies to proceedings before a "tribunal". The ECtHR has stated that a tribunal "is characterised in the substantive sense of the term by its judicial function, that is to say determining matters within its competence on the basis of rules of law and after proceedings conducted in a prescribed manner" (ECtHR (Grand Chamber), *Cyprus v. Turkey*, no. 25781/09, judgment of 10 May 2001, *ECHR*, 2001-IV, § 233). Additionally, the tribunal in question must have jurisdiction to examine all questions of fact and law relevant to the dispute before it (see ECtHR, *Olujić v. Croatia*, no. 22330/05, judgment of 5 February 2009, § 38). However, in order for a body to qualify as a "tribunal", Article 6 § 1 of the ECHR does not require it to be "a court of law of the classic kind, integrated within the standard judicial machinery of the country" (ECtHR, *Campbell and Fell v. United Kingdom*, judgment of 28 June 1984, *Publications of the Court*, Series A, no. 80, p. 39, § 76).
46. In this context, the Panel notes that the HPCC was not a court of the classic kind. It was a mass claims processing body which issued binding and enforceable decisions (see UNMIK Regulation No. 1999/23 of 15 November 1999 on the Establishment of the Housing and Property Directorate and the Housing and Property Claims Commission). The rules of procedure for proceedings before the HPCC were set forth in UNMIK Regulation No. 2000/60 of 31 October 2000 On Residential Property Claims and the Rules of Procedure and Evidence of the Housing and Property Directorate and the Housing and Property Claims Commission, and the HPCC determined claims in an adversarial process on the basis of rules of law. These decisions were final and were executed by an administrative body, the HPD, later the KPA. The HPCC was therefore judicial in function and Article 6 of the ECHR applies to proceedings before the HPCC (see Human Rights Advisory Panel (HRAP), *Vučković*, no. 03/07, opinion of 13 March 2010, § 34).

2. Compliance with Article 6 § 1 of the ECHR

a. Arguments of the parties

47. The complainant argues that the execution of a final and binding judgment is an integral part of the fair trial guarantees, as only when such decision is implemented do the rights become effective. An unreasonable prolongation of the implementation of a judicial decision results in a violation of Article 6 § 1 of the ECHR. After the submission of his claim in May 2002 and the final determination of the claim in November 2006, the proceedings regarding implementation of the final decision were still pending when the complainant filed his complaint with the Panel on 15 September 2007. He argues that the case did not bear excessive complexity, nor did the conduct of "the parties" contribute to the delay in the proceedings. Furthermore, the complainant suffered important material damage since he was living as a displaced person during the proceedings before the HPCC and while waiting for the

implementation of the decision. He argues that the authorities did not find it important to observe the rules on eviction, and did not take into consideration the material plight of the complainant as an impetus for a prompt finalisation of the case, *i.e.* for an eviction of the unlawful occupant and repossession of the house by the complainant within a reasonable time. For these reasons, the complainant argues that the length of the proceedings was incompatible with the reasonable time requirement.

48. In his comments dated 16 September 2008 the SRSG argues that the KPA executed two successful evictions and that the failure of the complainant to collect the keys to the property at the agreed times and places was the cause of the continued occupation of his property. Furthermore, the SRSG notes that, while the complainant could have approached the police regarding the unlawful occupation of his property, the KPA was willing to conduct on an exceptional basis an additional eviction, but only in line with its standard operating procedures.

b. The Panel's assessment

49. The complainant complains about the duration of the process of execution of the decision of the HPCC of 16 November 2006. He argues that the “unreasonable prolongation” of that process resulted in a violation of the reasonable time requirement laid down in Article 6 § 1 of the ECHR.
50. The Panel refers to the case law of the European Court of Human Rights on the matter of execution of judicial decisions. The Court holds consistently that Article 6 § 1 of the ECHR secures to everyone the right to have any claim relating to his civil rights and obligations determined by a court or tribunal. That right would be illusory if a State's legal system allowed a final, binding judicial decision to remain inoperative to the detriment of one party. According to the Court, it would be inconceivable that Article 6 § 1 should describe in detail the procedural guarantees afforded to litigants – proceedings that are fair, public and expeditious – without protecting the implementation of judicial decisions. Execution of a judgment given by any court is therefore regarded as an integral part of the “trial” for the purposes of Article 6. An unreasonably long delay in enforcement of a binding judgment may therefore breach the ECHR. The reasonableness of such delay is to be determined having regard in particular to the complexity of the enforcement proceedings, the complaining party's own behavior and that of the competent authorities, and the nature of the court award. Some delay in the execution of a judgment may be justified in particular circumstances, but it may not, in any event, be such as to impair the essence of the right protected under Article 6 § 1 (see, among other judgments, ECtHR, *Hornsby v. Greece*, judgment of 19 March 1997, *Reports*, 1997-II, p. 510, § 40; ECtHR, *Marini v. Albania*, no. 3738/02, judgment of 18 December 2007, § 126; ECtHR, *Burdov v. Russia (no. 2)*, no. 33509/04, judgment of 15 January 2009, §§ 66-67).
51. While the complainant specifically invoked the right to a decision within a reasonable time, the Panel considers it more appropriate, having regard to the above-mentioned case law of the European Court of Human Rights, to consider the complaint from the

point of view of the right to a court, in particular the right to enforcement of a final and binding judicial decision.

52. The Panel notes that the HPCC adopted its decision on reconsideration on 16 November 2006. That decision was finally enforced on 24 June 2009, when the KPA successfully evicted the unlawful occupant. It therefore took more than two years and seven months before the decision was successfully enforced.
53. The Panel notes, however, that its jurisdiction is limited to alleged violations committed by UNMIK. It cannot examine complaints relating to facts or omissions that took place at a moment when UNMIK was no longer responsible.
54. In this respect it should be noted that UNMIK Regulation No. 2006/10 of 4 March 2006 on the Resolution of Claims Relating to Private Immovable Property, including Agricultural and Commercial Property created the KPA, the successor body to the HPD. UNMIK Regulation No. 2006/10 was shortly thereafter superseded by UNMIK Regulation No. 2006/50 on 16 October 2006 on the Resolution of Claims Relating to Private Immovable Property, including Agricultural and Commercial Property. Section 22 of UNMIK Regulation No. 2006/50 stated that that regulation would remain in force until 31 December 2008, unless extended by the SRSG or the “competent successor authority”. In the meantime, on the basis of the Constitution of Kosovo, the Kosovo Assembly adopted Law No. 03/L-079 of 13 June 2008 amending UNMIK Regulation 2006/50 on the Resolution of Claims Relating to Private Immovable Property, including Agricultural and Commercial Property.
55. UNMIK’s response to this situation is detailed in the Report of the Secretary-General to the United Nations Security Council on the United Nations Interim Administration Mission in Kosovo (S/2009/149), dated 17 March 2009, paragraph 24 of which states:

“UNMIK Regulation No. 2006/50 concerning the Kosovo Property Agency expired on 31 December 2008. My Special Representative was asked by Belgrade to consider extending the mandate of the Agency, and he engaged in a series of discussions with all the relevant stakeholders, including the Kosovo authorities. However, the signals coming from Kosovo authorities, as well as from international stakeholders engaged in the Agency process, have so far been negative. At the same time, the Kosovo authorities and an international director appointed by the International Civilian Representative/European Union Special Representative assumed full administrative control of the Agency, which is currently operating in accordance with legislation adopted by the Assembly of Kosovo.”
56. Therefore, the Panel considers that the period under its review ended on 31 December 2008, when UNMIK Regulation No. 2006/50 expired.
57. Out of the total duration of the enforcement process of more than two years and seven months one year, one month and fifteen days fall therefore to be examined by the Panel.

58. The Panel notes that, prior to the successful eviction on 24 June 2009, other evictions took place on 28 February 2007, 19 April 2007 and 19 June 2007. The first eviction was carried out on the wrong house, while the second and the third evictions did not result in the permanent removal of the occupant from the claimed house or the complainant moving into the house. The Panel is conscious of the deep frustration these failed attempts must have caused to the complainant, who was all the time waiting until he could repossess his property.
59. However, the Panel cannot but note that the complainant to a certain degree contributed to the delay by not picking up the keys to the property. The Panel in this respect refers to Section 13.6 of UNMIK Regulation No. 2000/60, which provides that “any person who, without lawful excuse, enters a property by breaking a seal may be subject to removal from the property by the law enforcement authorities”. This provision was interpreted by the KPA to mean that it was under an obligation to conduct an additional eviction only if the property was re-occupied within 72 hours of the initial eviction (see above, § 23). Thus, the complainant actually put himself in the odd position of worsening his situation by the failure to collect the keys. Had he collected the keys to the property after either of the two allegedly successful evictions and reported afterward that the property had been re-occupied, the KPA would have been obliged to conduct another eviction. Instead, the complainant refused to collect the keys, thus passing the obligation on to the police to conduct any eviction. However, since the property was never considered to be in the possession of the complainant, the police indicated that it was the KPA who had to act upon the request for eviction, since the police lacked the jurisdiction to act in property matters unless the property had been re-occupied (see above, §§ 28 and 30). Thus, the complainant essentially put himself in a situation where neither body appeared to be responsible for conducting the eviction.
60. Moreover, the Panel considers that the complainant’s subsequent refusal to follow the KPA’s standard operating procedures, while it may have seemed reasonable to him at the time, in fact substantially contributed to the delay in the execution of the decision in his case.
61. Notwithstanding the regrettable delay in the enforcement of the decision issued by the HPCC, the Panel considers, especially having regard to the conduct of the complainant, that this delay did not result, at least not up to 31 December 2008, in a denial of the complainant’s right to the execution of a final and binding decision.
62. Consequently, there has been no violation of Article 6 § 1 of the ECHR.

B. Alleged violations of Article 1 of Protocol No. 1 to the ECHR and Article 8 of the ECHR

63. The complainant's arguments concerning the alleged violation of his right to respect for his property under Article 1 of Protocol No. 1 to the ECHR and the right to respect for family and home life under Article 8 of the ECHR both concern the inability to occupy his home.
64. The Panel notes that the situation has in the meantime been remedied and that the complainant is now in full possession of his property. As such, the factual basis upon which the complaint relies is no longer accurate regarding these alleged violations. Furthermore, the Panel notes that the foundation of his claims was based on the alleged failure to execute the decision in his favour. In light of the change of factual circumstances after the Panel's decision on admissibility, in conjunction with the Panel's findings above in §§ 49-62, the Panel considers that the complainant's continuing status as a victim, within the meaning of Section 1.2 of UNMIK Regulation No. 2006/12, is questionable.
65. In any event, the Panel notes that the alleged breaches of Article 1 of Protocol No. 1 to the ECHR and Article 8 of the ECHR rely on the complainant's arguments in relation to the alleged violation of Article 6 § 1 of the ECHR. Having found no violation of Article 6 § 1 of the ECHR, the Panel likewise finds that there has been no violation of Article 1 of Protocol No. 1 to the ECHR or Article 8 of the ECHR for the reasons set forth above (see HRAP, *Vučković*, no. 03/07, opinion of 13 March 2010, § 60; HRAP, *Andjeljković*, no. 11/07, opinion of 17 December 2010, § 108).

C. Alleged violation of Article 13 of the ECHR

66. The complainant argues that the "ultimate passivity of the authorities in implementing the final decision of [the] HPCC [shows] that the remedy pursued before [the] HPCC was not an effective one".
67. The Panel recalls that the requirements of Article 6 § 1 of the ECHR are more strict than the requirements of Article 13 of the ECHR. Having found that there has been no violation of Article 6 § 1 of the ECHR (see above, §§ 49-62), and noting that there are no separate complaints in relation to Article 13 of the ECHR, the Panel must declare that there has been no violation of Article 13 of the ECHR (see HRAP, *Vučković*, no. 03/07, opinion of 13 March 2010, § 60).

FOR THESE REASONS,

The Panel, unanimously,

- 1. FINDS THAT THERE HAS BEEN NO VIOLATION OF ARTICLE 6 § 1 OF THE EUROPEAN CONVENTION ON HUMAN RIGHTS;**
- 2. FINDS THAT THERE HAS BEEN NO VIOLATION OF ARTICLE 1 OF PROTOCOL NO. 1 TO THE EUROPEAN CONVENTION ON HUMAN RIGHTS;**
- 3. FINDS THAT THERE HAS BEEN NO VIOLATION OF ARTICLE 8 OF THE EUROPEAN CONVENTION ON HUMAN RIGHTS;**
- 4. FINDS THAT THERE HAS BEEN NO VIOLATION OF ARTICLE 13 OF THE EUROPEAN CONVENTION ON HUMAN RIGHTS.**

Anila PREMTI
Acting Executive Officer

Paul LEMMENS
Presiding Member