



Bosnia and Herzegovina

Ratified the European Convention on Human Rights in 2002

National Judge: Faris Vehabović

[Judges' CVs](#) are available on the ECHR Internet site

Previous Judge: Ljiljana Mijović (2004-2011)

The Court dealt with 800 applications concerning Bosnia and Herzegovina in 2015, of which 790 were declared inadmissible or struck out. It delivered 3 judgments (concerning 10 applications), 2 of which found at least one violation of the European Convention on Human Rights.

Applications processed in	2013	2014*	2015
Applications allocated to a judicial formation	870	667	908
Communicated to the Government	213	5	52
Applications decided:	1045	1196	800
- Declared inadmissible or struck out (Single Judge)	839	1138	781
- Declared inadmissible or struck out (Committee)	176	19	5
- Declared inadmissible or struck out (Chamber)	4	28	4
- Decided by judgment	26	11	10
Interim measures:	5	1	4
- Granted	1	0	0
- Refused (including out of scope)	4	1	4

For information about the Court's judicial formations and procedure, see the [ECHR internet site](#)

Applications pending before the court on 01/01/2016	
Total pending Applications*	910
Applications pending before a judicial formation:	836
Single Judge	75
Committee (3 Judges)	704
Chamber (7 Judges)	57
Grand Chamber (17 Judges)	0

* including applications for which completed application forms have not yet been received

Bosnia and Herzegovina and ...

Its contribution to the Court's budget

For 2016 the Court's budget amounts to approximately 71 million euros. That budget is financed by contributions from the 47 member States of the Council of Europe in accordance with scales based on population and GDP; the 2016 contribution of Bosnia and Herzegovina to the Council of Europe's (EUR 326 million) budget is **EUR 554,184**.

The Registry

The task of the Registry is to provide legal and administrative support to the Court in the exercise of its judicial functions. It is composed of lawyers, administrative and technical staff and translators. There are currently **679** Registry staff members of whom **2** are from Bosnia and Herzegovina.

Noteworthy cases, judgments delivered

Grand Chamber

[Ališić and Others v. Bosnia and Herzegovina, Croatia, Serbia, Slovenia and "The former Yugoslav Republic of Macedonia"](#)

16.07.2014

Concerned the applicants' inability to recover "old" foreign-currency savings – deposited with two banks in what is now Bosnia and Herzegovina – following the dissolution of the former Socialist Federal Republic of Yugoslavia (SFRY).

The Court held:

With regard to Mr Šahdanović: unanimously, that there had been a violation of Article 1 of Protocol No. 1 (protection of property) and a violation of Article 13 (right to an effective remedy) by Serbia;

With regard to Ms Ališić and Mr Sadžak: unanimously, that there had been a violation of Article 1 of Protocol No. 1 and a violation of Article 13 by Slovenia;

With regard to the other respondent States: by a majority, that there had been no violation of Article 1 of Protocol No.1 and no violation of Article 13, and, unanimously, that there had been no violation of Article 14 taken together with Article 13 and Article 1 of Protocol No. 1.

[Maktouf and Damjanovic v. Bosnia and Herzegovina](#)

18.07.2013

Complaints by two men convicted by the Court of Bosnia and Herzegovina of war crimes about the proceedings before that court. They complained in particular that a more stringent criminal law had been applied to them retroactively than that which had been applicable at the time they committed the offences.

Violation of Article 7 (no punishment without law)

[Sejdić and Finci v. Bosnia and Herzegovina](#)

22.12.2009

The judgment found discriminatory the constitutional arrangements, put in place by the Dayton Peace Agreement, according to which only people declaring affiliation with Bosniacs, Croats or Serbs were eligible to stand for election to the tripartite State presidency and the second chamber of the State parliament.

Violation of Article 14 (prohibition of discrimination) taken together with Article 3 of Protocol No. 1 (right to free elections)
Violation of Article 1 of Protocol No. 12 to the Convention (general prohibition of discrimination)

Noteworthy cases, judgments delivered

Chamber

Cases dealing with the right to life (Article 2)

[Palić v. Bosnia and Herzegovina](#)

15.02.2011

Disappearance during the war in Bosnia and Herzegovina of a military commander leading one of the local forces at the time.

No violation of Article 2, 3 (prohibition of inhuman or degrading treatment) or 5 (right to liberty and security)

Cases concerning the prohibition of inhuman and/or degrading treatment (Article 3)

[Al Hanchi v. Bosnie-Herzegovina](#)

15.11.2011

Complaint by a foreign mujahedin that, if he were deported to Tunisia, he would be ill-treated.

No violation of Article 3

[Palić v. Bosnia and Herzegovina](#)

15.02.2011

See cases dealing with Article 2

Rodić and Others v. Bosnia and Herzegovina

27.05.2008

The applicants were convicted of war crimes against Bosniac civilians (at the time, Bosnian Muslim) during the 1992-95 war in Bosnia and Herzegovina. They complained about being persecuted, threatened and beaten by fellow prisoners from the time of their arrival in Zenica Prison until they were provided with separate accommodation in the prison hospital unit. They further complained about their detention conditions in the hospital unit.

[Violation of Article 3](#)

[Violation of Article 13 \(right to an effective remedy\)](#)

Cases dealing with Article 6

Right to a fair hearing/trial

Đurić v. Bosnia and Herzegovina

20.01.2015

The cases dealt with the settlement plan introduced in October 2012 by Bosnia and Herzegovina for the enforcement of final domestic judgments awarding war damages. The settlement plan was introduced following a leading ECHR judgment¹ against Bosnia and Herzegovina of November 2009 in which it was held that the size of public debt could not justify statutory suspension of the enforcement of an entire category of final judgments. The plan envisaged the enforcement of final judgments ordering payment of war damages in cash within 13 years starting from 2013. This enforcement time-frame was extended to 20 years in July 2013.

[Violation of Article 6](#)

[Violation of Article 1 of Protocol No. 1 \(protection of property\)](#)

Čolić and Others v. Bosnia and Herzegovina

10.11.2009

A leading judgment concerning the non-enforcement of domestic courts decisions ordering the payment of war damages.

[Violation of Article 6 § 1 and of Article 1 of Protocol No 1 \(protection of property\)](#)

¹ [Čolić and Others v. Bosnia and Herzegovina](#)

Jeličić v. Bosnia and Herzegovina

31.10.2006

Applicant not allowed to withdraw her savings in foreign currency and a final judgment in her favour not enforced.

[Violation of Article 6](#)

[Violation of Article 1 of Protocol No. 1 \(protection of property\)](#)

Enforcement of domestic judicial decision

Šekerović and Pašalić v. Bosnia and Herzegovina

08.03.2011

Pension rights of internally-displaced people following their return from the Republika Srpska to the Federation of Bosnia and Herzegovina after the war.

[Violation of Article 6](#)

[Violation of Article 1 of Protocol No 1 \(protection of property\) and violation of Article 14 \(prohibition of discrimination\)](#)

Cases dealing with family life (Article 8)

Šobota-Gajic v. Bosnia and Herzegovina

06.11.2007

Failure by the national authorities to take all reasonable measures to facilitate applicant's reunion with her son, despite domestic decisions in her favour

[Violation of Article 8](#)

Cases dealing with property issues (Article 1 of Protocol No. 1)

Đokić v. Bosnia and Herzegovina

27.05.2010

The applicant's impossibility to regain possession of a flat – and be registered as its owner – which he had bought and left in Sarajevo following the outbreak of the 1992-1995 war in Bosnia and Herzegovina.

[Violation of Article 1 of Protocol No 1](#)

See also [Mago and Others v. Bosnia and Herzegovina](#), 03.05.2012

Suljagic v. Bosnia and Herzegovina

03.11.2009

A pilot judgment concerning "old" foreign-currency savings in Bosnian-based banks.

Around 1,300 similar applications have been declared inadmissible since the delivery of this judgment.

Violation of Article 1 of Protocol No 1

Cases concerning discrimination (Articles 14 and 1 of Protocol No. 12)

[Pilav v. Bosnia and Herzegovina](#)

09.06.2016

The case concerned the complaint by a politician residing in the Republika Srpska (one of the two constituent entities of Bosnia and Herzegovina), who declares himself as Bosniac, of the fact that it was legally impossible for him to stand for election to the Presidency of the country.

[Violation of Article 1 of Protocol No. 12 \(general prohibition of discrimination\)](#)

[Zornić v. Bosnia and Herzegovina](#)

15.07.2014

Ms Zornić's ineligibility to stand for election to the House of Peoples and the Presidency of Bosnia and Herzegovina because she refused to declare affiliation to any particular ethnic group but declared herself as a citizen of Bosnia and Herzegovina and, in accordance with the Constitution, only those who declared affiliation with the so-called "constituent peoples" (namely, Bosniacs, Croats and Serbs) were entitled to stand for election.

[Violation of Article 14 \(prohibition of discrimination\) in conjunction with Article 3 of Protocol No. 1 \(right to free elections\) as regards Ms Zornić's ineligibility to stand for election to the House of Peoples of Bosnia and Herzegovina](#)

[Violation of Article 1 of Protocol No. 12 \(general prohibition of discrimination\) as regards Ms Zornić's ineligibility to stand for election both to the House of Peoples as well as to the Presidency of Bosnia and Herzegovina](#)

Other noteworthy cases, judgments delivered

[Šobota-Gajic v. Bosnia and Herzegovina](#)

06.11.2007

Failure by the national authorities to take all reasonable measures to facilitate applicant's reunion with her son, despite domestic decisions in her favour

[Violation of Article 8 \(right to respect for private and family life\)](#)

Other noteworthy cases, decisions delivered

[Stojnić v. Bosnia and Herzegovina](#)

29.10.2015

The case concerned the attempt by a former officer of the armed forces of the former Socialist Federal Republic of Yugoslavia to have his pre-war flat in Sarajevo restored to him.

[The Court declared the application inadmissible as abusive within the meaning of Article 35 \(admissibility criteria\) of the Convention.](#)

Noteworthy pending cases Grand Chamber

Medžlis Islamske Zajednice Brčko and Others v. Bosnia and Herzegovina (no. 17224/11)

The case concerns defamation proceedings brought against four NGOs following the publication of a letter they had written to the highest authorities of their district to complain about the entertainment editor of a public radio station.

Relying on Article 10 (freedom of expression) of the Convention, the applicant NGOs complain that the domestic courts' decisions against them breached their right to freedom of expression. They maintain that their intention had not been to publish the letter, which had occurred without their knowledge, but to inform those in authority about certain irregularities in a matter of considerable public interest – the suitability of a candidate for the post of a multi-ethnic public radio station – and to prompt them to investigate their allegations.

In its Chamber [judgment](#) of 13 October 2015 the Court held, by four votes to three, that there had been no violation of Article 10 of the Convention.

Case [referred](#) to the Grand Chamber on 14 March 2016

Grand Chamber hearing on 31 August 2016

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