



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 1,492 applications concerning Bosnia and Herzegovina in 2017, of which 1,449 were declared inadmissible or struck out. It delivered 11 judgments (concerning 43 applications), 10 of which found at least one violation of the European Convention on Human Rights.

Applications processed in	2015	2016	2017
Applications allocated to a judicial formation	907	1030	866
Communicated to the Government	52	89	15
Applications decided:	800	598	1492
- Declared inadmissible or struck out (Single Judge)	781	586	1439
- Declared inadmissible or struck out (Committee)	5	8	7
- Declared inadmissible or struck out (Chamber)	4	2	3
- Decided by judgment	10	2	43
Interim measures:	4	6	2
- Granted	0	0	1
- Refused (including out of scope)	4	6	1

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

Applications pending before the court on 01/01/2018	
Total pending applications*	853
Applications pending before a judicial formation:	643
Single Judge	77
Committee (3 Judges)	464
Chamber (7 Judges)	102
Grand Chamber (17 Judges)	0

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

Bosnia and Herzegovina and ...

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 **668** Registry staff members of whom **5** are from Bosnia and Herzegovina.

Noteworthy cases, judgments delivered

Grand Chamber

[Medžlis Islamske Zajednice Brčko and Others v. Bosnia and Herzegovina](#)

27.06.2017

The case concerned a finding of defamation in civil proceedings against four organisations following the publication of a letter they had written to the highest authorities of their district complaining about a person's application for the post of director of Brčko District's multi-ethnic radio and television station.

No violation of Article 10 (freedom of expression)

[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 \(protection of property\)](#)

[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 \(prohibition of discrimination\)](#)

Private and family life cases (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](#)

Freedom of thought, conscious and religion (Article 9)

[Hamidović v. Bosnia and Herzegovina](#)

05.12.2017

In 2012 Mr Hamidović, a witness in a criminal trial, was expelled from the courtroom, convicted of contempt of court and fined for refusing to remove his skullcap.

[Violation of Article 9](#)

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

**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,
decisions delivered**

[Smajić v. Bosnia and Herzegovina](#)

08.02.2018

The case concerned Mr Smajić's conviction for making a number of posts in 2010 on an Internet forum describing military action which could be undertaken against Serb villages in the Brčko District in the event of another war.

Application declared inadmissible as complaints were manifestly ill-founded.

[Simić v. Bosnia and Herzegovina](#)

08.12.2016

The case concerned Mr Simić's removal from office as a judge of the Constitutional Court. Relying in particular on Article 6 § 1 (right to a fair trial) and Article 10 (freedom of expression), Mr Simić alleged in particular that the proceedings to dismiss him had been unfair and that he had been removed from office because of statements he had made in public via the media criticising the Constitutional Court.

Application declared inadmissible.

[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.

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