



# Bosnia and Herzegovina

**Ratified the European Convention on Human Rights in 2002**

**National Judge: Faris Vehabović (2012-2021)**

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

Previous Judge: Ljiljana Mijović (2004-2011)

[List of judges of the Court since 1959](#)

The Court dealt with 589 applications concerning Bosnia and Herzegovina in 2021, of which 529 were declared inadmissible or struck out. It delivered 14 judgments (concerning 60 applications), which found at least one violation of the European Convention on Human Rights.

Applications processed in	2019	2020	2021
Applications allocated to a judicial formation	1783	870	784
Communicated to the Government	395	144	59
Applications decided:	1037	2059	589
- Declared inadmissible or struck out (Single Judge)	602	1650	485
- Declared inadmissible or struck out (Committee)	56	330	44
- Declared inadmissible or struck out (Chamber)	0	60	0
- Decided by judgment	379	19	60

For information about the Court's judicial formations and procedure, see the [ECHR internet site](#). Statistics on interim measures can be found [here](#).

Applications pending before the court on 01/01/2022	
Applications pending before a judicial formation:	600
Single Judge	532
Committee (3 Judges)	65
Chamber (7 Judges)	3
Grand Chamber (17 Judges)	0

## 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 **624** Registry staff members.

## Noteworthy cases, judgments delivered

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### 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 and decisions delivered

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### 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 on Article 5  
(right to liberty and security)**

**[Al Husin v. Bosnia and Herzegovina \(no. 2\)](#)**

25.06.2019

The case concerned a man who was held in detention pending possible deportation for extended periods while the authorities sought a safe third country to remove him to. This case concerned his detention from July 2012.

[Violation of Article 5 § 1 as regards the applicant's detention from August 2014 to February 2016](#)

[No violation of Article 5 § 1 over his detention between July 2012 and March 2013 and March 2014 to August 2014](#)

[No violation of Article 5 § 4 \(proceedings on lawfulness of detention\)](#)

**Cases dealing with Article 6**

[Right to a fair 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 judgment<sup>1</sup> 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 \(protection of property\)](#)

**Inadmissible applications**

**[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

<sup>1</sup> [Čolić and Others v. Bosnia and Herzegovina](#)

removed from office because of statements he had made in public via the media criticising the Constitutional Court.  
[Application declared inadmissible.](#)

#### 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](#)

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

#### Orlović and Others v. Bosnia and Herzegovina

01.10.2019

The case concerned a church built by the Serbian Orthodox Parish on the applicants' land after they had had to flee their property during the 1992-95 war.

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

Press release available in [Bosnian](#)

#### Dokić 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](#)

#### **Inadmissible application**

#### 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.](#)

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

#### Baralija v. Bosnia and Herzegovina

29.10.2019

The case concerned a legal void which made it impossible for the applicant, a local politician living in Mostar, to vote or stand in elections.

[Violation of Article 1 of Protocol No. 12](#)

See also press release in [Bosnian](#).

#### 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

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