



Last update: 06/06/2019

Bosnia and Herzegovina

Membership to the Council of Europe	24 April 2002
Entry into force of the European Convention on Human Rights	12 July 2002
First case under supervision of execution	<i>Jeličić</i> (41183/02) Judgment final on 31 January 2007
Total number of cases transmitted for supervision since the entry into force of the Convention	97
Total number of cases closed by final resolution	65

MAIN ISSUES BEFORE THE COMMITTEE OF MINISTERS - ONGOING SUPERVISION*

> Conditions of detention - Mentally ill, vulnerable persons

Unlawful placement in social care home, i.e. without a decision of the competent civil court.

Hadžimejlić and Others (3427/13+)
Judgment final on 03/02/2016

Status of execution
Standard supervision

Detention of mentally ill persons in a psychiatric annex of a prison, in fact inappropriate for their mental health condition.

Hadžić and Suljić (39446/06)
Judgment final on 07/09/2011

Status of execution
Standard supervision

> Protection of property

Inability for members of the armed forces of Yugoslavia to regain possession of their pre-war apartments in the Federation of Bosnia and Herzegovina.

Dokić (6518/04)
Judgment final on 04/10/2010

Status of execution
Enhanced supervision

Mago group (12959/05+)
Judgment final on 24/09/2012

Status of execution
Enhanced supervision

> Electoral rights

Citizens' ineligibility to stand for elections to the Presidency and the House of Representatives due to their non-affiliation (whether because of their situation or of their choice) with one of the constituent peoples.

Sejdić and Finci group (27996/06 and 34836/06)
Judgment final on 22/12/2009

Status of execution
Enhanced supervision

* Detailed information concerning the Committee of Ministers' supervision of the execution of judgments and decisions of the European Court of Human Rights, notably the distinction between enhanced and standard supervision, are available on [the website of the Department for the Execution of Judgments](#).

SUPERVISION CLOSED - MAIN REFORMS ADOPTED**

> Lawfulness of detention and related issues – Mentally ill

Abrogation of the social assistance centres' competence to order psychiatric placement: since February 2009, only competent criminal court can order compulsory placement, for a maximum of six months, of offenders found not guilty for reason of insanity; afterwards, the file is directly referred to a competent civil court; the latter decides whether or not to place the acquitted insane offenders in psychiatric detention.

Tokić and Others (12455/04+)
Halilović (23968/05)
Judgments final on 08/10/2008 and on 01/03/2010

Final Resolution
CM/ResDH(2014)197

> Conditions of detention - medical care

An adequate facility for detention of persons suffering from mental health disorder was opened in 2016: the Sokolac Forensic Psychiatry Institution. All detainees suffering from mental health disorders and placed in inappropriate institutions will gradually be transferred to this new facility.

Hadžić and Suljić (39446/06+)
Judgment final on 07/09/2011

Final resolution
CM/ResDH(2018)114

> Detention of aliens

A prior detention order is required to detain an alien on security grounds: according to the amended in 2008 Aliens' Act, the sole ground that she or he constitutes a "threat to public order or national security" does no longer authorise a detention pending deportation.

Al Hamdani (31098/10)
Judgment final on 09/07/2012

Final Resolution
CM/ResDH(2014)186

Amendment of the 2008 Aliens Act in October 2012 allowing detention of an alien on security grounds only after a deportation order was issued.

Al Husin (3727/08)
Judgment final on 09/07/2012

Final Resolution
CM/ResDH(2017)28

> Access to a court

New voting rules of the Constitutional Court adopted in 2014: where a majority cannot be reached, the vote of the President of the Constitutional Court of BH, or his/her substitute, shall carry a weight of two votes and will prevail.

Avdić and Others (28357/11+)
Judgment final on 19/02/2014

Final Resolution
CM/ResDH(2015)170

Amendment of the Rules of the Constitutional Court: if the European Court finds a violation of the right to access to a court in the proceedings before the Constitutional Court, the affected party may request the reopening of the proceedings and the re-examination of its decision within six months at the latest.

> Right not to be tried twice

To avoid criminal charges after having been convicted for a prior minor or tax offence the Constitutional Court changed its case-law and guidance for procedural action in criminal and minor or tax offence cases was adopted by some authorities (Indirect Taxation Authority, Tax Administration, Prosecutor's Office).

Muslija (32042/11)
Judgment final on 14/04/2014

Final Resolution
CM/ResDH(2017)30

** This section may also include certain major reforms already implemented in the context of cases still pending.

For a thorough overview of reforms adopted since the entry into force of Protocol No. 11 in 1998 see the [Annual Report 2015](#), Part IV "Main achievements". As regards the period 1959-1998, see the overview provided by the European Court in its special publication "Survey : 40 years of activity", section IV "Effects of judgments and decisions" – both documents, together with a number of additional ones, are available also on the website of the Department for the Execution of Judgments of the European Court of Human Rights.

MAIN ISSUES BEFORE THE COMMITTEE OF MINISTERS - ONGOING SUPERVISION*

> Enforcement of domestic judicial decisions

Payment of debts for war-related damage ordered in domestic judgments was secured in line with established legal mechanisms and procedures.

Čolić and Others (1218/07+)
Judgment final on 28/06/2010

Final Resolution
CM/ResDH(2018)116

Removal of the statutory ban on enforcement of judgments ordering the State to repay the "old" foreign currency savings to the savers: the courts are now obliged to submit for enforcement to the ministries of finance (on entity level) all final judgments ordering the payment, notably in the Republika Srpska, of "old" foreign currency savings, i.e. deposited prior to the dissolution of the Socialist Federative Republic of Yugoslavia.

Suljagić (27912/02)
Judgment final on 03/02/2010

Final Resolution
CM/ResDH(2011)44

Jeličić (41183/02)
Judgment final on 31/01/2007

Final Resolution
CM/ResDH(2012)10

Implementation of a Constitutional Court decision providing for the possibility to apply for a pension in Federation of Bosnia and Herzegovina (FBiH) for persons who had been granted pensions before the war in what is today the FBiH, and who moved to Republika Srpska during the war, upon their return to FBiH.

Karanović (39462/03)
Judgment final on 20/02/2008

Škerović and Pašalić (5920/04 and 67396/09)
Judgment final on 15/09/2011

Final Resolution
CM/ResDH(2012)148

Issuing of bonds to ensure repayment of "old" foreign currency savings in compliance with the FBiH legislation.

Suljagić (27912/02)
Judgment final on 03/02/2010

Final Resolution
CM/ResDH(2011)44

On the basis of the Republika Srpska's Domestic Debt Act in 2012, **the Republika Srpska's internal debt arising from final and enforceable judgments representing general obligations will be paid** in cash together with the associated default interest or through the issuance of bonds.

Momić and Others (1441/07+)
Judgment final on 15/01/2013

Final Resolution
CM/ResDH(2017)29

> No punishment without law

Change of case-law of the Constitutional Court and the State Court concerning the retroactive application of a law providing for heavier sanctions than the law in force at the time the crimes were committed; domestic courts must assess which law is most favorable to the defendant.

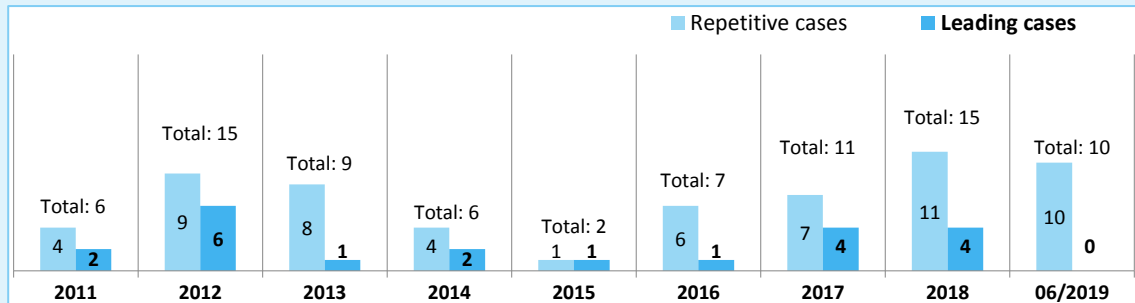
Maktouf and Damjanović (2312/08 and 34179/08)
Judgment final on 18/07/2013

Final Resolution
CM/ResDH(2017)180

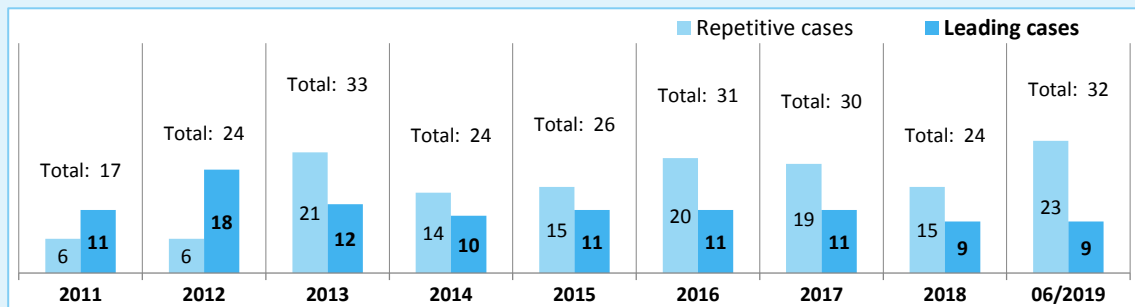
STATISTICS***

New cases

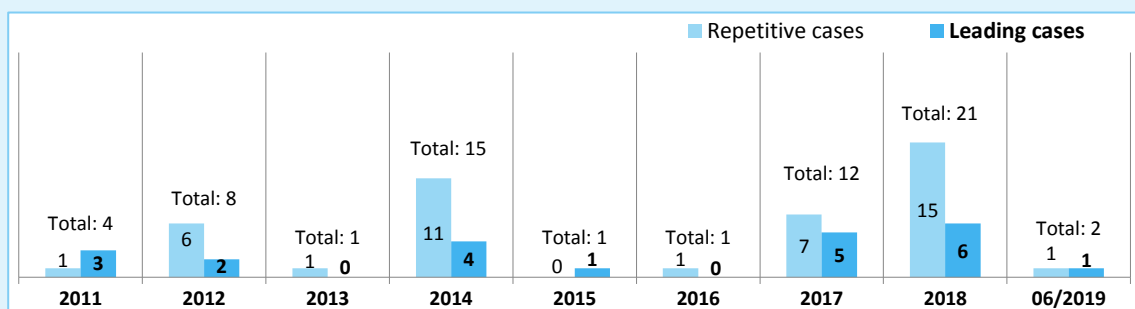
(judgments transmitted for supervision of their execution during the year)



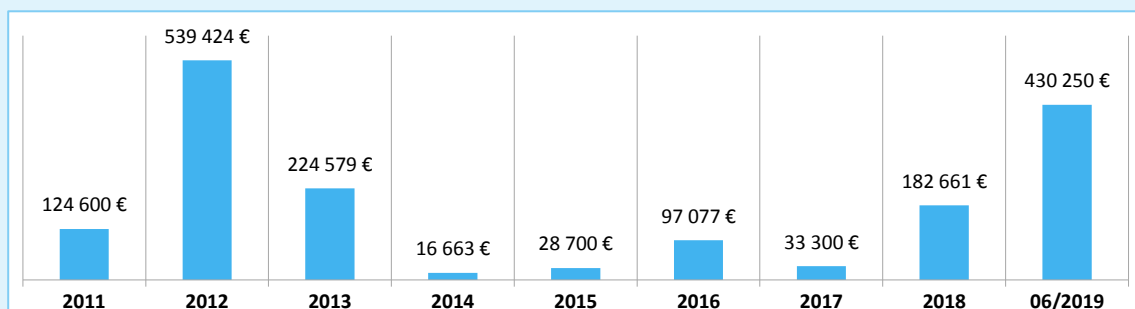
Pending cases



Cases closed by final resolution



Just satisfaction awarded by the European Court



*** Detailed statistics are available in the [annual reports](#) of the Committee of Ministers. Figures are reported as they appear in the annual report for each year.