



EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

FOURTH SECTION

CASE OF STOJANOVIĆ AND JUSUFOVIĆ v. BOSNIA AND HERZEGOVINA

(Applications nos. 11207/20 and 23081/20)

JUDGMENT

STRASBOURG

16 December 2021

This judgment is final but it may be subject to editorial revision.

In the case of Stojanović and Jusufović v. Bosnia and Herzegovina,

The European Court of Human Rights (Fourth Section), sitting as a Committee composed of:

Armen Harutyunyan, *President*,

Jolien Schukking,

Ana Maria Guerra Martins, *judges*,

and Viktoriya Maradudina, *Acting Deputy Section Registrar*,

Having deliberated in private on 25 November 2021,

Delivers the following judgment, which was adopted on that date:

PROCEDURE

1. The case originated in applications against Bosnia and Herzegovina lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) on the dates indicated in the appended table.

2. The Government of Bosnia and Herzegovina (“the Government”) were given notice of the applications.

THE FACTS

3. The list of applicants and the relevant details of the applications are set out in the appended table.

4. The applicants complained of the excessive length of civil proceedings.

THE LAW

I. JOINDER OF THE APPLICATIONS

5. Having regard to the similar subject matter of the applications, the Court finds it appropriate to examine them jointly in a single judgment.

II. ALLEGED VIOLATION OF ARTICLE 6 § 1 OF THE CONVENTION

6. The applicants complained that the length of the civil proceedings in question had been incompatible with the “reasonable time” requirement. They relied on Article 6 § 1 of the Convention, which reads as follows:

Article 6 § 1

“In the determination of his civil rights and obligations ... everyone is entitled to a ... hearing within a reasonable time by [a] ... tribunal ...”

7. The Court reiterates that the reasonableness of the length of proceedings must be assessed in the light of the circumstances of the case and with reference to the following criteria: the complexity of the case, the

conduct of the applicants and the relevant authorities and what was at stake for the applicants in the dispute (see *Frydlender v. France* [GC], no. 30979/96, § 43, ECHR 2000-VII).

8. In the leading cases of *Scordino v. Italy (no. 1)* [GC], no. 36813/97, §§ 134-227, ECHR 2006-V and *Dorić v. Bosnia and Herzegovina* [Committee], no. 68811/13, 7 November 2017, the Court already found a violation in respect of issues similar to those in the present case.

9. Having examined all the material submitted to it, the Court has not found any fact or argument capable of justifying the overall length of the proceedings at the national level. Having regard to its case-law on the subject, the Court considers that in the instant case the length of the proceedings was excessive and failed to meet the “reasonable time” requirement.

10. These complaints are therefore admissible and disclose a breach of Article 6 § 1 of the Convention.

III. APPLICATION OF ARTICLE 41 OF THE CONVENTION

11. Article 41 of the Convention provides:

“If the Court finds that there has been a violation of the Convention or the Protocols thereto, and if the internal law of the High Contracting Party concerned allows only partial reparation to be made, the Court shall, if necessary, afford just satisfaction to the injured party.”

12. Regard being had to the documents in its possession and to its case-law (see, in particular, *Scordino (no. 1)*, cited above, §§ 260-73, and *Dorić*, also cited above), the Court considers it reasonable to award the sums indicated in the appended table.

13. The Court further considers it appropriate that the default interest rate should be based on the marginal lending rate of the European Central Bank, to which should be added three percentage points.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Decides* to join the applications;
2. *Declares* the applications admissible;
3. *Holds* that these applications disclose a breach of Article 6 § 1 of the Convention concerning the excessive length of civil proceedings;
4. *Holds*
 - (a) that the respondent State is to pay the applicants, within three months, the amounts indicated in the appended table, to be converted into the

currency of the respondent State at the rate applicable at the date of settlement;

- (b) that from the expiry of the above-mentioned three months until settlement simple interest shall be payable on the above amounts at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points.

Done in English, and notified in writing on 16 December 2021, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Viktoriya Maradudina
Acting Deputy Registrar

Armen Harutyunyan
President

STOJANOVIĆ AND JUSUFOVIĆ v. BOSNIA AND HERZEGOVINA JUDGMENT

APPENDIX

List of applications raising complaints under Article 6 § 1 of the Convention
(excessive length of civil and/or administrative proceedings)

No.	Application no. Date of introduction	Applicant's name Year of birth	Representative's name and location	Start of proceedings	End of proceedings	Total length Levels of jurisdiction	Domestic award in respect of non- pecuniary damage (in euros)	Amount awarded for non-pecuniary damage per applicant (in euros) ^{1 2}	Amount awarded for costs and expenses per application (in euros) ³
1.	11207/20 20/02/2020	Božo STOJANOVIĆ 1949	Zukić Semir Sarajevo	26/11/2007	16/01/2018	10 year(s) and 1 month(s) and 22 day(s) 3 level(s) of jurisdiction	Constitutional Court AP- 3565/18 17/12/2019: No violation	2,400	250
2.	23081/20 20/05/2020	Suad JUSUFOVIĆ 1961	Hrustić Mirza Tuzla	14/06/2011	11/06/2019	7 year(s) and 11 month(s) and 29 day(s) 3 level(s) of jurisdiction	Constitutional Court AP- 3133/19 27/11/2019: Manifestly ill-founded	1,600	250

¹ Plus any tax that may be chargeable to the applicants.

² Less any amounts which may have already been paid in that regard at the domestic level.

³ Plus any tax that may be chargeable to the applicants.