



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

FOURTH SECTION

CASE OF KAROVIĆ AND OTHERS v. BOSNIA AND HERZEGOVINA

(Applications nos. 43201/22 and 3 others – see appended list)

JUDGMENT

Art 6 § 1 (civil) • Access to court • Art 1 P1 • Peaceful enjoyment of possessions • Non-enforcement of domestic court decisions against the Sarajevo Canton • Acceptable enforcement plan adopted by the Canton setting a time frame for the enforcement of all domestic decisions against it

Prepared by the Registry. Does not bind the Court.

STRASBOURG

24 June 2025

FINAL

24/09/2025

*This judgment has become final under Article 44 § 2 of the Convention.
It may be subject to editorial revision.*

In the case of Karović and Others v. Bosnia and Herzegovina,

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

Lado Chanturia, *President*,

Faris Vehabović,

Tim Eicke,

Lorraine Schembri Orland,

Ana Maria Guerra Martins,

Anne Louise Bormann,

Sebastian Rădulețu, *judges*,

and Simeon Petrovski, *Deputy Section Registrar*,

Having regard to:

the applications (nos. 43201/22, 555/23, 5241/23 and 23976/23) 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”) by four nationals of Bosnia and Herzegovina, Mr Zlatan Karović, Mr Tarik Kršlak, Ms Vanja Bradarić and Mr Osman Šabanović (“the applicants”), on the dates indicated in the appended table;

the decision to give notice to the Government of Bosnia and Herzegovina (“the Government”) of the complaints concerning non-enforcement of domestic decisions under Article 6 of the Convention and Article 1 of Protocol No. 1 to the Convention and to declare inadmissible the remainder of the applications;

the parties’ observations;

Having deliberated in private on 13 May and 3 June 2025,

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

INTRODUCTION

1. The applications concern the non-enforcement of domestic decisions in the applicants’ favour against the Sarajevo Canton (one of the ten cantons of the Federation of Bosnia and Herzegovina). The applicants invoked Article 6 § 1 of the Convention and Article 1 of Protocol No. 1 to the Convention.

THE FACTS

2. The applicants’ details are set out in the appended table.

3. The Government were represented by their acting Agent, Ms M. Mijić.

4. The facts of the case may be summarised as follows.

5. By judgments delivered by the Sarajevo Municipal Court on 5 and 19 February 2015, 24 February 2017 and 23 April 2018, the Sarajevo Canton was ordered to pay the applicants various sums in respect of unpaid work-related benefits together with default interest at the statutory rate and

legal costs. The writs of execution were issued by the same court on 19 February 2021, 5 May 2016, 5 July 2017 and 13 June 2018 respectively.

6. On 12 January 2022 the Constitutional Court found a violation of Article 6 § 1 of the Convention and Article 1 of Protocol No. 1 in the case of one of the applicants, Mr Šabanović, ordered the Sarajevo Canton to take the necessary steps to secure the enforcement of the decision in his favour and to pay him 300 convertible marks (BAM)¹ in compensation for non-pecuniary damage.

7. On 13 January 2022 the Sarajevo Canton adopted an enforcement plan in respect of all domestic decisions against it (published in the Official Gazette of the Sarajevo Canton no. 4/22). It provided that those who renounced their claims for default interest and legal costs would be paid their principal claims without delay. As regards those who did not agree to that arrangement, such as the applicants in the present case, it was provided that the decisions in their favour would be enforced in chronological order within five years (that is, by the end of 2026) and that up to 0.8% of the total budget would be designated for those purposes. It also provided that the Sarajevo Canton reserved the right not to adhere to the plan if it were to be allocated fewer funds in the future.

8. On 6 April 2022 the Constitutional Court rejected the case of another of the applicants, Mr Karović, on the grounds that the enforcement plan of the Sarajevo Canton was acceptable.

9. According to the available information, the decisions concerning the applicants have not yet been enforced. As of 31 December 2024, the applicants held the following places in the chronological order of decisions against the Sarajevo Canton which remained to be enforced: 1,017 (Mr Šabanović); 2,299 (Ms Bradarić); 3,092 (Mr Karović); and 5,797 (Mr Kršlak).

THE LAW

I. JOINDER OF THE APPLICATIONS

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

¹ The convertible mark uses the same fixed exchange rate to the euro as the former German mark (1 convertible mark = 0.51129 euros).

II. ALLEGED VIOLATION OF ARTICLE 6 § 1 OF THE CONVENTION AND ARTICLE 1 OF PROTOCOL No. 1 TO THE CONVENTION

11. The applicants complained about the non-enforcement of domestic decisions in their favour. They relied on Article 6 § 1 of the Convention and Article 1 of Protocol No. 1.

Article 6 § 1, in so far as relevant, provides:

“In the determination of his civil rights and obligations ..., everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.”

Article 1 of Protocol No. 1 to the Convention reads as follows:

“Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.

The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties.”

A. Admissibility

1. *The parties' submissions*

12. The Government maintained that the applications of Mr Kršlak and Ms Bradarić were inadmissible for non-exhaustion of domestic remedies because they had failed to use a constitutional appeal.

13. Mr Kršlak and Ms Bradarić submitted that a constitutional appeal was not an effective remedy for their complaints.

2. *The Court's assessment*

14. The general principles pertaining to the exhaustion of domestic remedies were restated in *Communauté genevoise d'action syndicale (CGAS) v. Switzerland* [GC], no. 21881/20, §§ 138-46, 27 November 2023.

15. Turning to the present case, the Court notes that the Constitutional Court found a violation of Article 6 § 1 of the Convention and Article 1 of Protocol No. 1 in the case of one of the applicants, Mr Šabanović, and ordered the Sarajevo Canton to take the necessary steps to secure the enforcement of the domestic decision in his favour (see paragraph 6 above). However, it appears that, more than three years later, the decision in issue has not yet been enforced (see paragraph 9 above). Furthermore, after the Sarajevo Canton adopted the enforcement plan outlined in paragraph 7 above, the Constitutional Court rejected all cases concerning that issue on the grounds that the enforcement plan was acceptable (see paragraph 8 above for an example of such a decision). Therefore, it has not been shown that in this

particular matter an appeal to the Constitutional Court was capable of providing redress for the complaints of Mr Kršlak and Ms Bradarić and offered a reasonable prospect of success. In these circumstances, the Court considers that the Government's objection cannot be upheld (see *Kunić and Others v. Bosnia and Herzegovina*, nos. 68955/12 and 15 others, § 21, 14 November 2017).

16. The applications are neither manifestly ill-founded nor inadmissible on any other grounds listed in Article 35 of the Convention. They must therefore be declared admissible.

B. Merits

1. The parties' submissions

17. The applicants complained of the non-enforcement of the decisions indicated in paragraph 5 above. They asserted that the Sarajevo Canton had given priority to those who had renounced their claims for default interest and legal costs, thus leaving them in legal limbo and effectively putting pressure on them to also renounce a part of their claims.

18. The Government argued that the authorities of the Sarajevo Canton had never disputed the applicants' right to have their decisions enforced. To that end, the Sarajevo Canton had adopted, on 13 January 2022, an enforcement plan for all domestic decisions against it (see paragraph 7 above), including the decisions under consideration in the present case. According to the list of all non-enforced decisions attached to that plan, as of 27 January 2022, the principal debt (without default interest and legal costs) was around BAM 54,000,000 and there were more than 11,000 creditors. In view of the size of the debt, the Government submitted that the enforcement time frame of five years was reasonable and indeed much shorter than the enforcement time frames which the Court had accepted in similar cases concerning the non-enforcement of domestic decisions against other cantons (see *Muhović and Others v. Bosnia and Herzegovina* (dec.), nos. 40841/13 and 12 others, 15 September 2020; *Akeljić and Others v. Bosnia and Herzegovina* (dec.), nos. 8039/19 and 24 others, 13 October 2020; *Šarganović and Others v. Bosnia and Herzegovina* (dec.), nos. 28251/18 and 19 others, 9 November 2020; and *Lavić v. Bosnia and Herzegovina* (dec.), 6340/20, 9 November 2020).

19. The Government added that the Sarajevo Canton, in accordance with the plan mentioned above, had enforced 583 domestic decisions in 2022 (in the amount of BAM 4,000,000) and 652 domestic decisions in 2023 (in the amount of BAM 3,800,000). Furthermore, in respect of those who, unlike the applicants in the present case, had renounced their claims for default interest and legal costs, the Sarajevo Canton had enforced 4,162 decisions in 2022 (in the amount of approximately BAM 18,500,000) and 1,659 decisions in 2023 (in the amount of just under BAM 7,000,000). The cantonal budget was

around BAM 1,193,000,000 in 2023 and around BAM 1,530,000,000 in 2024.

2. *The Court's assessment*

20. The general principles relating to the non-enforcement of domestic decisions were set out in *Jeličić v. Bosnia and Herzegovina* (no. 41183/02, §§ 38-39 and 48, ECHR 2006 XII). Notably, whilst it is not open to a State authority to cite lack of funds as an excuse for not honouring a judgment debt, the system of staggering the enforcement of final domestic decisions may be accepted in exceptional circumstances (see *Muhović and Others*, cited above, § 25).

21. In 2017 the Court adopted leading judgments concerning the non-enforcement of domestic decisions against two other cantons of the Federation of Bosnia and Herzegovina, finding a breach of Article 6 § 1 of the Convention and Article 1 of Protocol No. 1 (see *Kunić and Others*, cited above, and *Spahić and Others v. Bosnia and Herzegovina*, nos. 20514/15 and 15 others, 14 November 2017). It later followed the same approach in cases regarding the non-enforcement of domestic decisions against other cantons, including the Sarajevo Canton (see, for instance, *Omerbašić and Others v. Bosnia and Herzegovina* [Committee], nos. 4359/19 and 4 others, 2 December 2021).

22. The Sarajevo Canton has subsequently adopted an enforcement plan setting a time frame for the enforcement of all domestic decisions against it (see paragraph 7 above). It has undertaken to enforce them, in chronological order, within five years (that is, by the end of 2026).

23. In a similar case, about the non-enforcement of domestic decisions against another canton (see *Muhović and Others*, cited above, §§ 30-33), the Court held that an enforcement time frame with a much longer duration, where the final date was set for 2041, was acceptable. There is no reason to take a different approach in the present case.

24. While it is true that unlike the plans adopted by other cantons which the Court has considered to be acceptable, the plan adopted by the Sarajevo Canton does not indicate the year of enforcement for each non-enforced decision (contrast *Muhović and Others*, cited above, § 29), the Court notes that all domestic decisions against that Canton are planned to be enforced next year at the latest. That being the case, an indication of the specific year of enforcement for each non-enforced decision is not a necessary condition for an enforcement plan to be accepted by the Court.

25. The Court is also aware that the Sarajevo Canton reserves the right not to adhere to the plan if it is allocated fewer funds in the future (see paragraph 7 above). However, such provisos are common, notably in federal States, such as Bosnia and Herzegovina, in which lower-level authorities are dependent on higher authorities for most of their revenues. At this stage, there is nothing in the case file to suggest that the Sarajevo Canton will not respect

its undertaking (see, notably, paragraph 19 above). In any event, if the Sarajevo Canton eventually fails to adhere to its plan, the applicants may lodge a constitutional appeal and then an application with the Court.

26. Lastly, the Court has not overlooked the fact that the plan in issue put in place a two-tier system: those who renounced their claims for default interest and legal costs were paid the remaining amount immediately, whereas those who did not agree to that arrangement, such as the applicants in the present case, had to wait for up to five years in order to be paid the full amount (see paragraph 7 above). Nonetheless, this is not sufficient in itself to give rise to a violation of Article 6 of the Convention and/or Article 1 of Protocol No. 1 (contrast *Ignjatić and Others v. Bosnia and Herzegovina* [Committee], nos. 6179/08 and 3 others, §§ 9 and 17, 15 January 2013, where the domestic courts ordered the enforcement in government bonds in lieu of cash, without the applicants' consent).

27. There has accordingly been no violation of Article 6 § 1 of the Convention and Article 1 of Protocol No. 1 to the Convention.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Decides* to join the applications;
2. *Declares* the applications admissible;
3. *Holds* that there has been no violation of Article 6 § 1 of the Convention;
4. *Holds* that there has been no violation of Article 1 of Protocol No. 1 to the Convention.

Done in English, and notified in writing on 24 June 2025, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Simeon Petrovski
Deputy Registrar

Lado Chanturia
President

APPENDIX

List of cases:

No.	Application no.	Case name	Lodged on	Applicant Year of Birth Place of Residence Nationality	Represented by
1.	43201/22	Karović v. Bosnia and Herzegovina	11/08/2022	Zlatan KAROVIĆ 1987 Sarajevo BIH	ZAJEDNIČKA ADVOKATSKA KANCELARIJA GALIJATOVIĆ & PECIKOZA
2.	555/23	Kršlak v. Bosnia and Herzegovina	15/12/2022	Tarik KRŠLAK 1979 Sarajevo BIH	Nedim MUHIĆ
3.	5241/23	Bradarić v. Bosnia and Herzegovina	20/01/2023	Vanja BRADARIĆ 1976 Sarajevo BIH	Dejan ARNAUT
4.	23976/23	Šabanović v. Bosnia and Herzegovina	02/06/2023	Osman ŠABANOVIĆ 1967 Ilidža BIH	ZAJEDNIČKA ADVOKATSKA KANCELARIJA GALIJATOVIĆ & PECIKOZA