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

FOURTH SECTION

DECISION

Application no. 15691/22
Muamer DEDOVIĆ
against Bosnia and Herzegovina

The European Court of Human Rights (Fourth Section), sitting on 10 February 2025 as a Committee composed of:

Lorraine Schembri Orland*, President*,
Faris Vehabović,
Sebastian Răduleţu*, judges*,
and Giorgi Badashvili, *Acting Deputy Section Registrar,*

Having regard to:

the application (no. 15691/22) 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 13 April 2022 by a citizen of Bosnia and Herzegovina, Mr Muamer Dedović ("the applicant"), who was born in 1971 and was represented by Mr D. Tambur who on 17 March 2025 was granted leave by the Section President to represent the applicant;

the decision to give notice of the application to the Government of Bosnia and Herzegovina ("the Government"), represented by their acting Agent, Mr B. Bajić;

the Government's observations;

Having deliberated, decides as follows:

SUBJECT MATTER OF THE CASE

1. The case concerns, under Article 5 § 1 of the Convention, the lawfulness of the applicant's detention in a social care home.

2. The applicant suffers from paranoid schizophrenia. He was admitted to the Drin social care home ("Drin") in 2019 at his request. On 6 February 2022 he formally expressed his desire to leave Drin, but he has not been allowed to do so.

3. On 11 July 2024 the Constitutional Court found that the applicant's deprivation of liberty was not "in accordance with a procedure prescribed by law" within the meaning of Article 5 § 1 of the Convention, as he was being held in psychiatric detention without a decision by the competent civil court. It awarded the applicant 5,000 convertible marks (approximately 2,500 euros (EUR)) in respect of non-pecuniary damage, which, according to the case file, was subsequently duly paid, and ordered that the necessity of his continued placement in Drin be examined by the competent court.

4. On 15 November 2024 the competent civil court examined the applicant's case and ruled that his state of health warranted his continued detention in Drin.

THE COURT'S ASSESSMENT

5. The applicant complained under Article 5 § 1 of the Convention of the unlawfulness of his detention in Drin since 6 February 2022.

6. The applicant's status as a "victim" within the meaning of Article 34 of the Convention depends on whether the domestic authorities have acknowledged, either expressly or in substance, the alleged infringement of the Convention and, if necessary, provided appropriate redress in relation thereto. Only when those conditions are satisfied does the subsidiary nature of the protective mechanism of the Convention preclude examination of an application (see, for example, *Scordino v. Italy (no. 1)* [GC], no. 36813/97, §§ 178-93, ECHR 2006-V, and *Cocchiarella v. Italy* [GC], no. 64886/01, § 71, ECHR 2006-V). In this connection, the Court reiterates that whether the applicant has received reparation for the damage sustained – comparable to the just satisfaction provided for under Article 41 of the Convention – is likewise an important consideration (see *Shilbergs v. Russia*, no. 20075/03, § 72, 17 December 2009).

7. In the present case, it is undisputed that the Constitutional Court expressly acknowledged the alleged breach of the Convention. It further awarded the applicant approximately EUR 2,500 in respect of non-pecuniary damage (contrast *Salihić v. Bosnia and Herzegovina* [Committee], no. 6056/14, § 28, 6 February 2018), which was subsequently duly paid, and ordered an individual measure, which was fully implemented shortly thereafter (see paragraphs 3-4 above).

8. Having regard to the amount awarded – which was not manifestly unreasonable compared to what the Court would have granted in a similar situation (see, for instance, the awards granted in respect of different periods of detention in *Hadžimejlić and Others v. Bosnia and Herzegovina*, nos. 3427/13 and 2 others, § 70, 3 November 2015; and contrast, as general illustrations of manifestly inadequate domestic awards, *Zenkov v. Russia*, no. 37858/08, § 52, 30 April 2014, and *Žúbor v. Slovakia*, no. 7711/06, § 65, 6 December 2011) – and to the fact that the procedural shortcoming contrary

to Article 5 § 1 of the Convention was remedied following an order by the Constitutional Court, with the competent court subsequently ruling on the lawfulness of the applicant's continued detention (contrast *Hadžimejlić and Others*, cited above, § 40), the Court considers that the redress afforded by the domestic authorities was appropriate and sufficient.

9. In such circumstances, the Court considers that the applicant can no longer claim to be a "victim" within the meaning of Article 34 of the Convention. It follows that the present application is incompatible *ratione personae* with the provisions of the Convention within the meaning of Article 35 § 3 (a) and must be rejected pursuant to Article 35 § 4.

For these reasons, the Court, unanimously,

Declares the application inadmissible.

Done in English and notified in writing on 5 March 2026.

Giorgi Badashvili Acting Deputy Registrar	Lorraine Schembri Orland President