

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

FOURTH SECTION

DECISION

AS TO THE ADMISSIBILITY OF

Application no. 16679/02
by Ratko ŠKOBIĆ
against Bosnia and Herzegovina

The European Court of Human Rights (Fourth Section), sitting on 16 March 2010 as a Chamber composed of:

Nicolas Bratza, *President,*
Lech Garlicki,
Giovanni Bonello,
Ljiljana Mijović,
David Thór Björgvinsson,
Ledi Bianku,
Mihai Poalelungi, *judges,*
and Lawrence Early, *Section Registrar*,

Having regard to the above application lodged on 20 February 2002,

Having regard to the observations submitted by the respondent Government and the observations in reply submitted by the applicant,

Having deliberated, decides as follows:

THE FACTS

The applicant, Mr Ratko Škobić, is a citizen of Bosnia and Herzegovina and the Netherlands who was born in 1941 and lives in Rotterdam. The Government of Bosnia and Herzegovina ("the Government") were represented by Ms M. Mijić, Agent, and Ms Z. Ibrahimović, Deputy Agent.

A. The circumstances of the case

The facts of the case, as submitted by the parties, may be summarised as follows.

Prior to the dissolution of the Socialist Federal Republic of Yugoslavia ("the SFRY") the applicant deposited foreign currency in his five bank accounts at the then Jugobanka Sarajevo – Ekspozitura Bugojno and Privredna banka Sarajevo – Osnovna banka Bugojno (in what is today the Federation of Bosnia and Herzegovina) and Jugobanka Sarajevo – Filijala Banja Luka and Privredna banka Sarajevo – Osnovna banka Banja Luka (in what is today the Republika Srpska). In Bosnia and Herzegovina, as well as in other successor States of the SFRY, such savings are commonly referred to as "old" foreign-currency deposits (for the relevant background information see *Suljagić v. Bosnia and Herzegovina*, no. 27912/02, 3 November 2009).

In 1991/92 the balance in the applicant's accounts (which included interest) was apparently in the region of 210,000 Dutch guilders (approximately 95,000 euros).

The applicant subsequently attempted to withdraw his savings on several occasions, but to no avail. It would appear that he has not obtained a verification certificate pursuant to the domestic legislation on "old" foreign-currency savings.

B. Relevant domestic law and practice

The relevant law and practice were outlined in *Suljagić*, cited above.

COMPLAINT

The present case is fundamentally, like *Suljagić*, about the compliance of the domestic legislation on "old" foreign-currency savings with the conditions laid down by Article 1 of Protocol No. 1 to the Convention.

THE LAW

On 3 November 2009 the Court adopted a pilot judgment concerning "old" foreign-currency savings in banks based in Bosnia and Herzegovina (see *Suljagić*, cited above). While the Court considered the domestic legislation on "old" foreign-currency savings to be compatible as such with Article 1 of Protocol No. 1, it found a violation of that Article with respect to delays in the implementation of that legislation in the Federation of

Bosnia and Herzegovina and the Brčko District. The relevant part of the pilot judgment (see § 55) reads as follows:

> "Whereas the Court finds the current legislation as such compatible with Article 1 of Protocol No. 1, it agrees with the applicant that its state of implementation is unsatisfactory. While in the Republika Srpska no delays were alleged, the same is not true for the Federation of Bosnia and Herzegovina and the Brčko District. In the Brčko District, government bonds, although due on 31 March 2008, were issued only on 30 June 2009. In the Federation of Bosnia and Herzegovina, it appears that bonds, likewise due on 31 March 2008, have not yet been issued. As a result, the applicant is still unable to sell them on the Stock Exchange and thus obtain early cash payments (see paragraph 53 above). Moreover, the instalments due under the current legislation on 27 September 2008 were paid almost three months later (on 24 December 2008) in the Brčko District and almost eight months later (on 14 May 2009) in the Federation of Bosnia and Herzegovina. Similarly, the instalment due on 27 March 2009 was paid almost three months later (on 11 June 2009) in the Brčko District and has not yet been paid in the Federation of Bosnia and Herzegovina."

Furthermore, the Court held that those who had not obtained verification certificates provided for by that legislation in the Federation of Bosnia and Herzegovina and the Brčko District, as well as those who had savings in the Republika Srpska, regardless of whether they had obtained verification certificates or not, could not be considered to be affected by those delays. The relevant part of the pilot judgment (see § 65) reads as follows:

> "Turning to the many similar applications pending before the Court:
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> (i) The Court decides to adjourn adversarial proceedings for six months from the date on which the present judgment becomes final in any cases pertaining to "old" foreign-currency savings in the Federation of Bosnia and Herzegovina and the Brčko District in which the applicants have obtained verification certificates (see, by analogy, *Burdov v. Russia (no. 2)*, no. 33509/04, § 146, 15 January 2009). This decision is without prejudice to the Court's power at any moment to declare inadmissible any such case or to strike it out of its list in accordance with the Convention.
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> (ii) The Court may declare inadmissible in accordance with the Convention any cases pertaining to "old" foreign-currency savings in which the applicants have not obtained verification certificates, because it has found a violation of Article 1 of Protocol No. 1 only with respect to delays in the implementation of the current legislation (see paragraph 55 above) and those who have not obtained a verification certificate cannot be considered to be affected by those delays (see paragraph 29 above). That being said, the respondent State must ensure that the relevant deadlines are extended for at least six months from the date on which the present judgment becomes final to enable everyone to obtain a verification certificate.
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> (iii) Lastly, the Court may declare inadmissible any cases pertaining to "old" foreign-currency savings in the Republika Srpska, even if the applicants have obtained verification certificates, because no delays in the implementation of the current legislation occurred in that Entity."

Accordingly, the applicant in the present case cannot be considered to be affected by the delays in the implementation of the domestic legislation on "old" foreign-currency savings neither as regards his "old" foreign-currency

savings in the Federation of Bosnia and Herzegovina (because he has not obtained a verification certificate), nor as regards his "old" foreign-currency savings in the Republika Srpska. He, therefore, lacks victim status. This application is manifestly ill-founded within the meaning of Article 35 § 3 of the Convention and must be rejected pursuant to Article 35 § 4 of the Convention.

For these reasons, the Court unanimously

Declares the application inadmissible.

Lawrence Early
Registrar

Nicolas Bratza
President