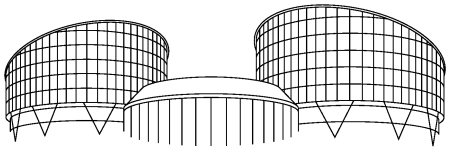

EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

FOURTH SECTION

CASE OF DORIĆ v. BOSNIA AND HERZEGOVINA

(Application no. 68811/13)

JUDGMENT

STRASBOURG

7 November 2017

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

In the case of Dorić v. Bosnia and Herzegovina,

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

Carlo Ranzoni, *President,*
Faris Vehabović,
Péter Paczolay, *judges,*
and Andrea Tamietti, *Deputy Section Registrar,*

Having deliberated in private on 17 October 2017,

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

PROCEDURE

1. The case originated in an application (no. 68811/13) 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 a national of Bosnia and Herzegovina, Mr J. Dorić ("the applicant"), on 14 October 2013.

2. The applicant was represented by Mr A. Nakić and Mr A. Jusić, lawyers practising in Sarajevo. The Government of Bosnia and Herzegovina ("the Government") were represented by their Agent at the time, Ms M. Mijić.

3. On 31 January 2015 the application was communicated to the Government.

THE FACTS

4. The applicant was born in 1952 and lives in Sarajevo.

5. In 1999 the applicant instituted civil proceedings against his employer, the local police, seeking his reinstatement and damages. His claim was eventually rejected.

6. The first-instance judgment was rendered by the Sarajevo Municipal Court on 17 April 2006.

7. The second-instance judgment was rendered by the Sarajevo Cantonal Court on 27 March 2008.

8. The third-instance judgment was rendered by the Supreme Court of the Federation of Bosnia and Herzegovina on 26 January 2010.

9. On 19 April 2010 the applicant filed a constitutional appeal with the Constitutional Court of Bosnia and Herzegovina complaining under Article 6 § 1 of the Convention and Article 1 of Protocol No. 1 about the outcome and length of his labour dispute.

10. On 10 April 2013 the Constitutional Court found a breach of the applicant's right to a trial within a reasonable time and rejected the remainder of the case. It did not award any damages.

THE LAW

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

11. The applicant complained that the length of the proceedings had been incompatible with the "reasonable time" requirement. He relied on Article 6 § 1 of the Convention, which, in so far as relevant, reads as follows:

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

12. The period to be taken into consideration began on 12 July 2002, when the Convention entered into force in respect of Bosnia and Herzegovina. However, in assessing the reasonableness of the time that elapsed after that date, account must be taken of the state of proceedings at the time (see *Simić v. Serbia*, no. 29908/05, § 15, 24 November 2009).

The period in question ended on 26 January 2010, when the Supreme Court rendered its judgment (see paragraph 8 above). It thus lasted more than seven years and six months for three levels of jurisdiction.

A. Admissibility

13. The Court notes that this complaint is not manifestly ill-founded within the meaning of Article 35 § 3 (a) of the Convention. It also notes that it is not inadmissible on any other grounds. It must therefore be declared admissible.

B. Merits

14. 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 applicant and the relevant authorities and what was at stake for the applicant in the dispute (see, among many other authorities, *Frydlender v. France* [GC], no. 30979/96, § 43, ECHR 2000-VII). The Court also reiterates that special diligence is necessary in employment disputes (*Ruotolo v. Italy*, 27 February 1992, § 17, Series A no. 230-D).

15. The Court has frequently found violations of Article 6 § 1 of the Convention in cases raising issues similar to the one in the present case (see *Frydlender*, cited above).

16. Having examined all the material submitted to it, the Court considers that the Government have not put forward any fact or argument capable of persuading it to reach a different conclusion in the present case. 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.

There has accordingly been a breach of Article 6 § 1 of the Convention.

II. OTHER ALLEGED VIOLATIONS

17. Relying on Article 1 of Protocol No. 1 to the Convention, the applicant further complained about the outcome of the labour dispute. However, in the light of all the material in its possession, and in so far as the matter complained of is within its competence, the Court finds that this complaint does not disclose any appearance of a violation of the rights and freedoms set out in the Convention or its Protocols. It follows that this part of the application is manifestly ill-founded and must be rejected in accordance with Article 35 §§ 3 (a) and 4 of the Convention

III. APPLICATION OF ARTICLE 41 OF THE CONVENTION

18. 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."

A. Damage

19. The applicant claimed 3,500 euros (EUR) in respect of non-pecuniary damage and EUR 84,589.59 in respect of pecuniary damage.

20. The Government contested these claims.

21. The Court considers that the applicant has not shown the existence of a causal link between the violation found and the pecuniary damage alleged; it therefore rejects this claim. On the other hand, it awards the applicant EUR 1,600 in respect of non-pecuniary damage.

B. Costs and expenses

22. The applicant also claimed EUR 2,000 for the costs and expenses incurred before the Court.

23. The Government contested this claim.

24. According to the Court's case-law, an applicant is entitled to the reimbursement of costs and expenses only in so far as it has been shown that these have been actually and necessarily incurred and are reasonable as to quantum. That is, the applicant must have paid them, or be bound to pay them, pursuant to a legal or contractual obligation, and they must have been unavoidable in order to prevent the violation found or to obtain redress. The Court requires itemised bills and invoices that are sufficiently detailed to enable it to determine to what extent the above requirements have been met (see *Maktouf and Damjanović v. Bosnia and Herzegovina* [GC], nos. 2312/08 and 34179/08, § 94, ECHR 2013 (extracts)). In the present case, regard being had to the documents in its possession and the above criteria, the Court considers it reasonable to award the sum of EUR 500 under this head.

C. Default interest

25. The Court 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. *Declares* the complaint concerning the length of the proceedings admissible and the remainder of the application inadmissible;

2. *Holds* that there has been a violation of Article 6 § 1 of the Convention;

3. *Holds*
   (a) that the respondent State is to pay the applicant, within three months, the following amounts, to be converted into the currency of the respondent State at the rate applicable at the date of settlement:
      (i) EUR 1,600 (one thousand six hundred euros), plus any tax that may be chargeable, in respect of non-pecuniary damage;
      (ii) EUR 500 (five hundred euros), plus any tax that may be chargeable to the applicant, in respect of costs and expenses;
   (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;

4. *Dismisses* the remainder of the applicant's claim for just satisfaction.

Done in English, and notified in writing on 7 November 2017, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Andrea Tamietti	Carlo Ranzoni
Deputy Registrar	President