

CIVIL LAW FOR COMPENSATION

The interested public has the right to bring proceedings to contest the specific act or omission by a natural person or administrative body, which is **contrary** to the provisions related to environmental protection.

Citizens have the **right to compensation** by filing a complaint to the competent court if their rights are violated.

FINANCIAL COMPENSATION - Article 200 of the Law on Obligations of the FBiH

- (1) **For sustained physical pain, mental suffering due to reduction of life activities, disturbance, violated reputation, honor, freedom or rights of personality, death of a close person as well as fear;** the court shall, if it finds that the circumstances of the case and especially the intensity of pain and fear and their duration justify it, award monetary compensation, irrespective of any material damage or absence thereof.

Legally recognized forms of non-pecuniary damage which can be recognized for financial compensation under the provisions of Law on obligations are:

- 1) sustained and future physical pain
- 2) sustained and future fear
- 3) sustained and future mental pain due to reduction of vital activities
- 4) sustained and future mental pain because of disfigurement
- 5) sustained and future mental pain due to a defamation
- 6) sustained and future mental pain because of violations of freedom
- 7) sustained and future mental pain due to violation of personal rights
- 8) sustained and future mental pain over the death of a close person
- 9) sustained and future mental pain as a particularly serious disability of a close person
- 10) sustained and future mental pain because of a criminal offense against sexual integrity, dignity or morals.

Compensation for non-pecuniary damage can be recognized only for the non-pecuniary damage recognized by law, and not for any non-pecuniary damage.

Financial compensation for non-pecuniary damage is a kind of **satisfaction** for damaged person. To fulfill its goal it must be paid in full amount which is determined by applying the relevant criteria recognized by law.

Deadline for submitting a lawsuit: Claim for damage is limited to three years from when the injured party found out about the damage and the person who has done the damage (subjective term). Objective term is **five years** from the date when the damage is done. We can not talk about the occurrence of limitation claims until the **adverse consequences are still arising** and until they didn't received its final form. Only further interruption of damages leads to flow the terms.

Lawsuit for compensation shall be submitted to the Municipal Court in Zenica as the first instance authority to decide the issue in question. At trial, individual judge shall arbitrate. The case shall be treated according to the Law of Civil Procedure of FBiH.

The Parties shall present all facts on which they base their claims and to present **evidence** that would establish that fact. The parties are obliged to tell the truth in court and conscientiously use the rights recognized by the Law on Civil Procedure of FBiH. Civil proceedings are initiated by lawsuit. A complaint must contain all crucial elements defined by law. The complaint is submitted in writing. It must be comprehensible and must contain all the elements particular should include: title of the court, name and surname or business name, domicile or residence, or seat of the parties, their legal representatives and attorneys, if any, the subject of the dispute, the content of the statement and the signature.

Do you think that your right are violated? Are you interested in starting a civil law for compensation? Contact the local Aarhus consultation centre:

Eko Forum Zenica

Školska 10 - Metalurg city centre, 72 000 Zenica, Bosnia and Herzegovina

Call us on the telephone number: + 387 32 40 50 50

or contact us by email: info@ekoforumzenica.ba

We can help you to protect your rights!
