



# Serbia

## Ratified the European Convention on Human Rights in 2004

### National Judge: Branko Lubarda

[Judges' CVs](#) are available on the ECHR Internet site

Previous judges: Dragoljub Popović (2005-2015)

[List of judges of the Court since 1959](#)

The Court dealt with 1,269 applications concerning Serbia in 2018, of which 1,224 were declared inadmissible or struck out. It delivered 13 judgments (concerning 45 applications), 12 of which found at least one violation of the European Convention on Human Rights.

Applications processed in	2017	2018	2019*
Applications allocated to a judicial formation	1425	2124	1038
Communicated to the respondent Government	92	285	35
Applications decided:	1631	1269	1106
- Declared inadmissible or struck out (Single Judge)	1538	1181	950
- Declared inadmissible or struck out (Committee)	41	39	148
- Declared inadmissible or struck out (Chamber)	15	4	2
- Decided by judgment	37	45	6

\* January to July 2019

For information about the Court's judicial formations and procedure, see the [ECHR internet site](#).

Statistics on interim measures can be found [here](#).

Applications pending before the court on 01/07/2019	
Total pending applications*	1953
Applications pending before a judicial formation:	1720
Single Judge	367
Committee (3 Judges)	1217
Chamber (7 Judges)	136
Grand Chamber (17 Judges)	0

\*including applications for which completed application forms have not yet been received

## Serbia and ...

### The Registry

The task of the Registry is to provide legal and administrative support to the Court in the exercise of its judicial functions. It is composed of lawyers, administrative and technical staff and translators. There are currently **643** Registry staff members.

## Noteworthy cases, judgments delivered

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### Grand Chamber

#### [Ališić and Others v. Bosnia and Herzegovina, Croatia, Serbia, Slovenia and "The former Yugoslav Republic of Macedonia"](#)

16.07.2014

Concerned the applicants' inability to recover "old" foreign-currency savings – deposited with two banks in what is now Bosnia and Herzegovina – following the dissolution of the former Socialist Federal Republic of Yugoslavia (SFRY).

The Court held:

With regard to Mr Šahdanović: unanimously, that there had been a violation of Article 1 of Protocol No. 1 (protection of property) and a violation of Article 13 (right to an effective remedy) by Serbia;

With regard to Ms Ališić and Mr Sadžak: unanimously, that there had been a violation of Article 1 of Protocol No. 1 and a violation of Article 13 by Slovenia;

With regard to the other respondent States: by a majority, that there had been no violation of Article 1 of Protocol No.1 and no violation of Article 13, and, unanimously, that there had been no violation of Article 14 taken together with Article 13 and Article 1 of Protocol No. 1.

#### [Vučković and Others v. Serbia](#)

25.03.2014

The case concerned the payment of allowances to all reservists who had served in the Yugoslav Army during the North Atlantic Treaty Organisation's intervention in Serbia between March and June 1999.

[The court held that it could not consider the merits of the applicants' complaint under the European Convention on Human Rights.](#)

In this case, the Grand Chamber found that, although the applicants had turned to the civil courts for redress, they had done so improperly, and had further not raised the discrimination complaint before the Constitutional Court, either expressly or in substance. Therefore, although the civil and constitutional remedies had been sufficient and available to provide redress in respect

of the applicants' discrimination complaint, they had failed to exhaust national remedies with the result that the Serbian courts had not been given an opportunity to fulfil their fundamental role in the Convention protection system. The Grand Chamber thus upheld the Government's preliminary objection concerning the applicants' failure to exhaust national remedies and held that it could not consider the merits of the applicants' complaint.

### Chamber

#### Right to life cases (Article 2)

##### [Mučibabić v. Serbia](#)

12.07.2016

The case concerned the investigation into the death of the applicant's son, who died in an accident caused by the covert production of rocket fuel.

[Violation of Article 2](#)

##### [Mladenović v. Serbia](#)

22.05.2012

The applicant complained about the Serbian authorities' failure to effectively investigate the death of her son who had been shot by an off duty police officer in July 1991 during a fight between two groups of young people.

[Violation of Article 2](#)

#### Cases dealing with inhuman or degrading treatment (Article 3)

##### [Gjini v. Serbia](#)

15.01.2019

The case concerned inter-prisoner violence, in particular, the applicant's complaint that he was assaulted, raped and humiliated by his cell mates in prison, that the prison failed to protect him and that the prison authorities failed to investigate his complaints properly.

[Violation of Article 3 owing to the authorities' failure to protect the applicant from being ill-treated by his prison cell mates](#)

[Violation of Article 3 because of the lack of an investigation into his complaints](#)

### **Milanović v. Serbia**

14.12.2010

The Serbian authorities failed to effectively investigate cases of assault likely motivated by religious hatred.

[Violation of Article 3](#)

[Violation of Article 14 \(prohibition of discrimination\) in conjunction with Article 3](#)

#### **Cases on liberty and security (Article 5)**

### **Mitrović v. Serbia**

21.03.2017

The applicant complained to the European Court of Human Rights that this conviction of a crime in 1994 had been issued by a court of an internationally unrecognized entity, and that the judgment had never been formally recognized by the Serbian courts.

[Violation of Article 5 § 1](#)

### **Vrenčev v. Serbia**

23.09.2008

The case concerned the applicant's pre-trial detention on suspicion of illicit possession of narcotics for 20 days before he was brought before a judge

[Violation of Article 5 §§ 3, 4 and 5](#)

#### **Cases dealing with Article 6**

### **Right to a fair trial**

### **Molnar Gabor v. Serbia**

08.12.2009

Complaint about the continuous refusal of the Serbian authorities to pay to the applicant his foreign currency savings deposited in a bank and to enforce a domestic judicial decision in his favour.

[No violation of Article 6 § 1](#)

[No violation of Article 1 of Protocol No. 1 \(protection of property\)](#)

The Court observed that Serbia had adopted legislation on the basis of which it had converted all foreign currency savings deposited with certain "authorised banks" into a "public debt" and had undertaken to release the deposits in question gradually. That legislation extinguished the effect of the final judgments against those "authorised banks" and the applicant, therefore, had no enforceable legal title.

### **Vinčić and Others v. Serbia**

01.12.2009

The applicants are 31 Serbian nationals who were all members of the Independent Union of Aviation Engineers of Serbia. Following a strike organised by their Union, they complained that their claims for an employment-related benefit were rejected by the District Court in Belgrade, while other identical claims were simultaneously accepted.

[Violation of Article 6 § 1](#)

In addition, the Court found that a constitutional appeal should, in principle, be considered an effective domestic remedy in respect of all applications introduced as of 7 August 2008. Consequently, about 1000 applications were declared inadmissible for failure to exhaust that remedy.

### **R. Kačapor and Others v. Serbia**

15.01.2008

The case concerned non-enforcement of numerous final judgments given in the applicants' favour against "socially-owned" companies.

[Violation of Article 6 § 1](#)

[Violation of Article 1 of Protocol No. 1 \(protection of property\)](#)

The Court ordered Serbia to pay not only pecuniary damage but also what was owed to the applicants in accordance with the domestic judgments.

### **Right to a fair hearing within a reasonable time**

### **V.A.M. v. Serbia (no. 39177/05)**

13.03.2007

The applicant's husband deprived the applicant, an HIV-positive mother, of all contact with their daughter. The case concerned the excessive length of civil proceedings brought by the applicant against her husband and the authorities' failure to enforce an interim access order.

[Violation of Article 6 § 1](#)

[Violation of Article 8 \(right to respect for private and family life\)](#)

[Violation of Article 13 \(right to an effective remedy\)](#)

[Presumption of innocence](#)

### **Matijašević v. Serbia**

19.09.2006

The domestic court extended the applicant's detention on remand on the

grounds that he had committed the crimes for which he had been arrested. Although he was later found guilty, the Court held that the applicant's right to be presumed innocent had been breached.

Violation of Article 6 § 2

#### **Cases dealing with private and family life (Article 8)**

##### **Zorica Jovanović v. Serbia**

26.03.2013

The case concerned the alleged death of Ms Jovanović's healthy newborn son in 1983 in a State-run hospital. She was never allowed to see his body and suspects that her son may even still be alive, having unlawfully been given up for adoption. Hundreds of parents have alleged that their newborn babies went missing following their supposed deaths in hospital wards, mostly from the 1970s to the 1990s.

Violation of Article 8

Article 46 (binding force and implementation) – given the significant number of other potential applicants, the Court also held that Serbia had to take measures to give credible answers about what has happened to each missing child and to provide parents with adequate compensation.

##### **Stojanović v. Serbia**

19.05.2009

Concerned Mr Stojanović's complaint that the prison authorities had opened the applicant's correspondence with the domestic institutions and the European Court of Human Rights.

Violation of Article 8

##### **V.A.M. v. Serbia (no. 39177/05)**

13.03.2007

(see cases concerning Article 6)

#### **Freedom of expression cases (Article 10)**

##### **Milisavljević v. Serbia**

04.04.2017

The case concerned a journalist's complaint about her conviction for insult following an article she had written about Nataša Kandić, a well-known human rights activist. The courts held that by failing to put one particular sentence – "Ms Kandić [had] been called a witch and a prostitute" – in

quotation marks, the journalist, Ms Milisavljević, had tacitly endorsed the words as her own.

Violation of Article 10

##### **Youth Initiative For Human Rights v. Serbia**

25.06.2013

The case concerned access to information obtained via electronic surveillance by the Serbian Intelligence Agency.

Violation of Article 10

##### **Bodrožić and Vujin v. Serbia** **Bodrožić v. Serbia**

23.06.2009

Criminal sanctions imposed on journalists in a local newspaper for attacking the integrity and dignity of two public figures. In particular, the journalists called a well-known man, a lawyer, "a blonde" in an article featuring a photo of a blonde woman in her underwear next to an anagram of the lawyer's name, and a well-known historian "an idiot" and "a fascist".

Violation of Article 10

##### **Lepojić v. Serbia**

06.11.2007

The applicant, president of a local branch of the Demo-Christian Party, was found guilty of criminal defamation for writing an article, in which he called the spending of the town mayor "nearly insane", and was ordered to pay a disproportionately heavy fine in compensation.

Violation of Article 10

#### **Cases concerning elections**

##### **Paunović and Milivojević v. Serbia**

24.05.2016

The case concerned the practice of party-controlled mandates in Serbia.

Violation of Article 3 of Protocol No.1 – in respect of Mr Paunović

Violation of Article 13 (right to an effective remedy) – in respect Mr Paunović

Application struck out in so far as it concerned the complaints of Ms Milivojević

## Other noteworthy cases, judgments delivered

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### [Grudić v. Serbia](#)

17.04.2012

The case concerned complaints by two Serbians of Bosniak origin about prolonged non-payment of their disability pensions. The Court found that the Serbian authorities' decision to stop paying the applicants' disability pensions had not been done in accordance with national law.

[Violation of Article 1 of Protocol N° 1 \(protection of property\)](#)

## Noteworthy cases, decisions delivered

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### [Milunović and Čekrić v. Serbia](#)

21.02.2012

The complaints concerned the State's failure to enforce final judgments in the applicants' favour against their previous employer, a "socially-owned" company. More than 900 similar applications are currently pending before the Court.

[In its decision on the admissibility, the Court found that the constitutional appeal cannot, for the time being, be deemed effective as regards cases involving complaints such as the ones put forth by these applicants.](#)

The case was [struck out](#) of the list of cases following a friendly settlement.

### [Bijelić v. Montenegro and Serbia](#)

28.04.2009

The applicants complained about the non-enforcement of an eviction order concerning a flat in Montenegro and their consequent inability to live in the flat at issue.

[Inadmissible in respect of Serbia](#)

[Violation of Article 1 of Protocol 1 \(protection of property\)](#)

## Noteworthy pending cases

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### [Kostić v. Serbia \(no. 40410/07\)](#)

[Communicated](#) to the Serbian Government in September 2013

The case concerns the death of Dragan Kostić during his military service in August 2004. Mr Kostić's death has always been treated by the Serbian authorities as a suicide. However, his family doubts the official version of events, and argues that the investigation into his death was flawed and biased. The Court communicated the case to the Serbian Government under Article 2 (right to life) and asked it to submit its observations on it. The remainder of the application was declared [inadmissible](#).