



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)

The Court dealt with 2,612 applications concerning Serbia in 2015, of which 2,491 were declared inadmissible or struck out. It delivered 17 judgments (concerning 121 applications), 16 of which found at least one violation of the European Convention on Human Rights.

Applications processed in	2013	2014	2015
Applications allocated to a judicial formation	5058	2786	1236
Communicated to the respondent Government	1422	628	241
Applications decided:	3878	11490	2612
- Declared inadmissible or struck out (Single Judge)	2966	10113	2128
- Declared inadmissible or struck out (Committee)	693	1290	356
- Declared inadmissible or struck out (Chamber)	26	24	7
- Decided by judgment	193	63	121
Interim measures:	5	5	8
- Granted	1	2	1
- Refused (including out of scope)	4	3	7

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

Applications pending before the court on 01/01/2016	
Total pending applications	1497
Applications pending before a judicial formation:	1140
Single Judge	116
Committee (3 Judges)	832
Chamber (7 Judges)	192
Grand Chamber (17 Judges)	0

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

Serbia and ...

Its contribution to the Court's budget

For 2016 the Court's budget amounts to approximately 71 million euros. That budget is financed by contributions from the 47 member States of the Council of Europe in accordance with scales based on population and GDP; the 2016 contribution of Serbia to the Council of Europe's (EUR 326 million) budget is **EUR 1,111,174**.

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 **679** Registry staff members of whom **14** are Serbian.

Noteworthy cases, judgments delivered

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)

[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)

[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 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)

[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 Vujić 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](#)

Other noteworthy cases, judgments delivered

[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 \(protection of property\)](#)

[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 \(right to liberty and security\)](#)

Noteworthy cases, decisions delivered

[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

Case concerning the effectiveness of investigations into inhuman or degrading treatment or death

Mučibabić v. Serbia (no. 34661/07)

[Communicated](#) to the Serbian Government in November 2010

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](#).

**Paunović and Milivojević v. Serbia
(no.°41683/06)**

[Communicated](#) to the Serbian Government in February 2010

The applicants complained that they were made to resign on the basis of their resignation letters signed before their election to the Serbian national legislature, but physically submitted by their political party after the elections, in response to a political dispute, and notwithstanding the

applicants' explicit wish to keep their seats in Parliament.

[The complaints concern in particular Article 3 of Protocol No. 1 \(right to free elections\).](#)

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