



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

THIRD SECTION

**CASE OF MARTINOVIĆ v. SERBIA**

*(Application no. 14074/15)*

JUDGMENT

STRASBOURG

19 September 2019

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



**In the case of Martinović v. Serbia,**

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

Dmitry Dedov, *President*,

Alena Poláčková,

Gilberto Felici, *judges*,

and Liv Tigerstedt, *Acting Deputy Section Registrar*,

Having deliberated in private on 29 August 2019,

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

**PROCEDURE**

1. The case originated in an application against Serbia lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) on 3 March 2015.

2. The applicant was represented by Mr D. Vujović, a lawyer practising in Stara Pazova.

3. Notice of the application was given to the Serbian Government (“the Government”).

**THE FACTS**

4. The applicant’s details and information relevant to the application are set out in the appended table.

5. The applicant complained of the excessive length of civil proceedings.

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

6. The applicant complained that the length of the civil proceedings in question had been incompatible with the “reasonable time” requirement. He relied on Article 6 § 1 of the Convention, which reads as follows:

**Article 6 § 1**

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

7. 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 *Frydlender v. France* [GC], no. 30979/96, § 43, ECHR 2000-VII).

8. In the leading case of *Nemet v. Serbia*, no. 22543/05, 8 December 2009, the Court already found a violation in respect of issues similar to those in the present case.

9. Having examined all the material submitted to it, the Court has not found any fact or argument capable of persuading it to reach a different conclusion on the admissibility and merits of these complaints. 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.

10. These complaints are therefore admissible and disclose a breach of Article 6 § 1 of the Convention.

## II. APPLICATION OF ARTICLE 41 OF THE CONVENTION

11. 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.”

12. The applicant did not to submit any claims for just satisfaction. Accordingly, the Court considers that there is no call to award him any sum on that account.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Declares* the application admissible;
2. *Holds* that this application disclose a breach of Article 6 § 1 of the Convention concerning the excessive length of civil proceedings.

Done in English, and notified in writing on 19 September 2019, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Liv Tigerstedt  
Acting Deputy Registrar

Dmitry Dedov  
President

## APPENDIX

Application raising complaints under Article 6 § 1 of the Convention  
(excessive length of civil proceedings)

Application no. Date of introduction	Applicant's name Date of birth	Start of proceedings or date of entry into force of the Convention in respect of Serbia (3 March 2004)	End of proceedings	Total length Levels of jurisdiction	Relevant domestic decision Award (in euros)
14074/15 03/03/2015	<b>Bernard Martinović</b> 24/01/1961	03/03/2004	14/05/2014	10 years and 2 months and 12 days 2 levels of jurisdiction	Constitutional Court Už-2840/2012 13 November 2014  300