



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

THIRD SECTION

**CASE OF OKILJ AND OTHERS v. SERBIA**

*(Applications nos. 31901/16 and 5 others - see appended list)*

JUDGMENT

STRASBOURG

19 September 2019

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



**In the case of Okilj and Others 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 Tagerstedt, *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 applications against Serbia lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) on the various dates indicated in the appended table.

2. Notice of the applications was given to the Serbian Government (“the Government”).

**THE FACTS**

3. The list of applicants and the relevant details of the applications are set out in the appended table.

4. The applicants complained of the excessive length of civil proceedings.

**THE LAW****I. JOINDER OF THE APPLICATIONS**

5. Having regard to the similar subject matter of the applications, the Court finds it appropriate to examine them jointly in a single judgment.

**II. ALLEGED VIOLATION OF ARTICLE 6 § 1 OF THE CONVENTION**

6. The applicants complained that the length of the civil proceedings in question had been incompatible with the “reasonable time” requirement. They 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 applicants and the relevant authorities and what was at stake for the applicants 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.

### III. 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. Regard being had to the documents in its possession and to its case-law (see, in particular, *Nemet v. Serbia*, no. 22543/05, §§ 19-22, 8 December 2009), the Court considers it reasonable to award the sums indicated in the appended table and it dismisses the remainder of the applicants’ claims for just satisfaction.

13. 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. *Decides* to join the applications;
2. *Declares* the applications admissible;
3. *Holds* that these applications disclose a breach of Article 6 § 1 of the Convention concerning the excessive length of civil proceedings;

4. *Holds*

- (a) that the respondent State is to pay the applicants, within three months, the amounts indicated in the appended table, to be converted into the currency of the respondent State at the rate applicable at the date of settlement;
- (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;

5. *Dismisses* the remainder of the applicants' claims for just satisfaction.

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

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

No.	Application no. Date of introduction	Applicant's name Date of birth	Representative's name and location	Start of proceedings or date of entry into force the Convention in respect of Serbia (3 March 2004)	End of proceedings	Total length Levels of jurisdiction	Relevant domestic decision Domestic award	Amount awarded for non-pecuniary damage per applicant (in euros) <sup>1 2</sup>	Amount awarded for costs and expenses per application (in euros) <sup>3</sup>
1.	31901/16 26/04/2016	<b>Dragoslav Okilj</b> 08/11/1949	Radovanović Srđan Belgrade	05/05/2005	20/02/2013	7 years and 9 months and 16 days 2 levels of jurisdiction	Constitutional Court Už-2775/2013 24/09/2015 No award	1,000	500
2.	41532/16 11/07/2016	<b>Rade Antonijević</b> 04/10/1974	Glavonjić Radenko Čačak	19/11/2004	15/07/2013	8 years and 7 months and 27 days 2 levels of jurisdiction	Constitutional Court Už-6912/2013 25/02/2016 No violation	1,700	500
3.	42152/16 11/07/2016	<b>Milenko Drobnjaković</b> 13/06/1949	Glavonjić Radenko Čačak	28/10/2004	15/07/2013	8 years and 8 months and 18 days 2 levels of jurisdiction	Constitutional Court Už-6912/2013 25/02/2016 No violation	1,700	500

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1. Plus any tax that may be chargeable to the applicants.
  2. Less any amounts which may have already been paid in that regard at the domestic level.
  3. Plus any tax that may be chargeable to the applicants.

No.	Application no. Date of introduction	Applicant's name Date of birth	Representative's name and location	Start of proceedings or date of entry into force the Convention in respect of Serbia (3 March 2004)	End of proceedings	Total length Levels of jurisdiction	Relevant domestic decision Domestic award	Amount awarded for non-pecuniary damage per applicant (in euros) <sup>1 2</sup>	Amount awarded for costs and expenses per application (in euros) <sup>3</sup>
4.	43869/16 11/07/2016	<b>Mlado Lazović</b> 09/09/1967	Glavonjić Radenko Čačak	19/11/2004	15/07/2013	8 years and 7 months and 27 days 2 levels of jurisdiction	Constitutional Court Už-6912/2013 25/02/2016 No violation	1,700	500
5.	8125/17 16/01/2017	<b>Vladan Radovanović</b> 15/07/1971	Dugošija Ružica Žabari	14/03/2007	09/04/2014	7 years and 27 days 2 levels of jurisdiction	Constitutional Court Už-5800/2014 15/09/2016 No violation	1,300	500
6.	12385/17 04/02/2017	<b>Radojka Bajić</b> 17/07/1949	Božić Dejan Šabac	05/07/2007	pending	More than 11 years and 11 months and 2 days 1 level of jurisdiction	Constitutional Court Už-6882/2014 30/06/2016 400 euros	1,900	500