

Belgrade, 14 November 2024

ACTION REPORT

Milivoje BOŠKOČEVIĆ v. Serbia

Application no. 37364/10, Judgment of 5 March 2024, final on 5 June 2024

I CASE DESCRIPTION

1. This case concerns the hindering of the applicant's exercise of the right of application through threats in 2010 by his employer, the managing director of the Šar Mountains National Park statutory corporation, that he would be dismissed from his job without any further notice or disciplinary proceedings if he failed to submit copies of all relevant correspondence with the Court (violation of Article 34).

2. The Court concluded that this type of communication constituted "pressure" and "intimidation", contrary to the Convention, notwithstanding the fact that the applicant continued his correspondence with the Court and was eventually not dismissed from his job (§ 66).

II INDIVIDUAL MEASURES

3. The applicant did not submit a claim for just satisfaction. Accordingly, the Court considered that there was no call to award him any sum on that account (*Boškočević*, § 69).

III GENERAL MEASURES

A. Isolated nature of the incident

4. In the present case the applicant was told by his superior that the conditions for his dismissal had been met as a result of his applying to the Court, and that he would be dismissed from his job if he failed to submit copies of all relevant correspondence with the Court (§ 19). Given the lack of existence of any piece of domestic legislation which would qualify such a statement of the employer as having a legitimate legal basis, it may be concluded that the violation was not a result of a systematic flaw of the relevant legal framework in this regard. This is also confirmed by the fact that the Court found no issue with the relevant domestic law.

5. The incident in question occurred in 2010. Taking into account the lack of any other similar violation of Article 34 having been found by the Court in the following time up until the present, it may be concluded that the actions which brought about the violation are not a part of an established practice in Serbia, but rather a highly isolated case affecting only the applicant.

6. No violation of a similar nature was alleged in any of the applications currently pending before the Court either. The relatively high number of applications generally submitted to the Court with respect to Serbia proves the practical availability of this legal remedy to citizens, and their readiness to use it when needed, and it may thus be concluded that similar violations of Article 34 of the Convention are not likely to arise. It should also be taken into account that the applicant himself was in fact not dismissed from his job, despite persisting with his case before the Court in face of “pressure” he was subjected to (§ 66), making it less likely for anyone in a similar situation to think they could suffer such consequences.

7. Due to all of the facts shown above, the Government is of the opinion that the violation at hand was an isolated case. The repetition of a similar violation is therefore not reasonably envisaged in the future.

B. Publication and dissemination measures and awareness-raising measures

8. In 2024, the Government ensured that publication and dissemination measures were taken to draw the attention of the relevant domestic authorities on the European Court's findings in this case. To this end, the European Court's judgment was translated into Serbian and published in the Official Gazette, on the official [webpage](#) of the Office of the Government Agent and on [the webpage](#) of the Supreme court.

9. The Government Agent furthermore prepared an analysis of the European Court's findings in this judgment and ensured its dissemination together with the translated judgment to all relevant domestic authorities.

10. The European Court's findings have therefore been made easily accessible to judges and community nationwide.

IV JUST SATISFACTION

11. It is recalled that the applicant did not submit a claim for just satisfaction. Accordingly, the Court considered that there was no call to award any sum on that account.

V CONCLUSIONS

12. The authorities consider the general measures of publication and dissemination of the judgment, taken in conjunction with the fact that the violation at hand was an isolated case, are capable of preventing similar violations.

13. The Government is therefore of the opinion that the Republic of Serbia has thus complied with its obligations under Article 46 § 1 of the Convention and respectfully propose to the Committee of Ministers to close its examination of the case *Milivoje Boškočević*.