

ACTION REPORT
NIKOLIĆ v. SERBIA

Application no. 21155/22, the judgement of 3 June 2025, final on 3 June 2025
from the

STANIMIROVIĆ group of cases v. Serbia

Application no. 26088/06, the judgment of 18 October 2011, final on 8 March 2012

I CASE DESCRIPTION

1. This case concerns the ineffective investigations into the allegations of ill-treatment by police officers (procedural violations of Article 3).

2. The Court found a violation of the procedural limb of Article 3 due to significant delays in the investigation, lack of promptness and independence at its initial stage, and the applicant's insufficient involvement and procedural standing, which cumulatively undermined the effectiveness of the investigation into his allegations of ill-treatment in 2012.

II INDIVIDUAL MEASURES

3. The Serbian authorities have taken steps to ensure that the violation at hand ceased and that the applicant was redressed for the negative consequences of the violation found by the European Court. These measures are set out below.

A. The applicant's redress

4. The European Court awarded the applicant just satisfaction in respect of non-pecuniary damage in the amount of EUR 1,800 and EUR 2,100 in respect of costs and

expenses. The payment has been made on 8 July 2025, within the deadline set out by the European Court.

5. The applicant in this case did not claim just satisfaction in respect of pecuniary damage before the European Court. The authorities however highlight that the domestic legislation provides the applicant with a concrete and practical avenue to claim pecuniary damage should the applicant considered to have suffered it. Pursuant to the domestic legislation, this claim could be raised within three years after the European Court's judgment finding a violation of the Convention becomes final. In this case, this timeframe will expire on 3 June 2028. To the best of the authorities' knowledge, the applicant has not raised any claim for pecuniary damage before domestic courts and has not availed itself of the avenue available in the domestic legislation to this effect.

B. Measures aimed at ensuring effective investigation (Article 3 in procedural limb)

6. In *Nikolić*, the Court found a violation of the procedural limb of Article 3 due to significant delays in the investigation, lack of promptness and independence at its initial stage, and the applicant's insufficient involvement and procedural standing, which cumulatively undermined the effectiveness of the investigation into his allegations of ill-treatment in 2012.

7. In addressing the Court's conclusions, regarding the possibility of reopening the investigation in light of the European Court's findings, the Basic Public Prosecutor's Office in Novi Sad, which conducted the original investigation, and after the re-examination of the case, clarified in its official communication dated 18 July 2025 that there are no grounds for a reopening of the case for the reasons stated below.

8. The Public Prosecutor's Office emphasized that, during the original criminal proceedings all available and relevant investigative actions had already been undertaken. These included obtaining medical documentation, questioning the involved police officers, interviewing the applicant and other witnesses, and commissioning a forensic

medical expert opinion. As a result, all factual elements relevant for prosecutorial assessment were duly established.

9. Importantly, the Public Prosecutor's Office observed that the European Court's judgment had not identified any tangible omissions in the conduct of the investigation which would call for a more in-depth investigation than that which they had already conducted, nor failures to pursue an obvious line of inquiry that could have decisively undermined the effectiveness of an investigation into the allegations, nor has it called into question the validity or relevance of the evidence collected in the case. Rather, the procedural violation established by the Court primarily concerned the unsatisfactory pace in gathering and processing the evidence and the lack of promptness and procedural safeguards at the initial stage of the investigation. The initial lack of independence of the investigation, as already recognized by domestic authorities, was equally rectified with the Prosecutor taking over the investigation upon the appeal of the applicant. Therefore, the shortcomings identified related to the dynamics and structure of the investigative process, not to the substance or reliability of the evidentiary material itself, nor the decision to reject the applicant's complaint.

10. Given the absence of any new factual developments or evidence, and taking into account that all reasonable and available investigative steps have already been exhausted, the authorities consider that reopening the case would not serve a practical purpose nor would it lead to a more effective investigation.

11. In view of this, the authorities consider that no further individual measures are deemed feasible or necessary.

III GENERAL MEASURES

12. In response to the European Court's findings, the authorities recall that the general measures in similar cases have been taken within the context of the leading case *Stanimirović*, which are capable of preventing similar violations. The authorities note that the revised Action plan in *Stanimirović group of cases* [DH-DD\(2025\)709](#) was submitted

on 18 June 2025. All general measures regarding the case *Nikolić* will be implemented within the framework of the *Stanimirović group of cases*.

A. Publication and dissemination measures

13. In 2025, the authorities ensured that publication and dissemination of the present judgment 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 and on the Government Agent's official web page. The European Court's findings have therefore been made easily accessible to judges and the legal community nationwide.

14. 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.

15. The above-mentioned measures ensured the awareness of the Court's findings and the need to comply with the Convention requirements in similar cases.

IV JUST SATISFACTION

16. The authorities ensured that just satisfaction and cost and expenses awarded by the European Court has been disbursed to the applicant on 8 July 2025. The payment has thus been made within the deadline set out by the European Court.

V CONCLUSIONS

17. The authorities consider the individual measures taken ensured that the applicants were redressed for the damage sustained.

18. The authorities furthermore consider the general measures taken within the context of the *Stanimirović group of cases* are capable of preventing similar violations and will be further implemented within the framework of the *Stanimirović group*.

19. The authorities therefore consider that the Republic of Serbia has 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 *Nikolić*.