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Meeting: 1545th meeting (December 2025) (DH)

Item reference: Action Report (29/10/2025)

Communication from Serbia concerning the case of Duric v. Serbia (Application No. 24989/17)

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Réunion : 1545^e réunion (décembre 2025) (DH)

Référence du point : Bilan d'action (29/10/2025)

Communication de la Serbie concernant l'affaire Duric c. Serbie (requête n° 24989/17) (**anglais uniquement**)

DGI

29 OCT. 2025

SERVICE DE L'EXECUTION
DES ARRETS DE LA CEDH

Belgrade 29 October 2025

ACTION REPORT

Đurić v. Serbia

Application no. 24989/17, Judgment of 6 February 2024, final on 6 May 2024

I CASE DESCRIPTION

1. This case concerns a violation of the applicant's right to a fair trial since he was not afforded a reasonable opportunity to present his case - in proceedings held between 2006-2016 relating to his request to be recognized as a civilian person disabled as a consequence of war - including at an oral hearing, under conditions that would not have placed him at a substantial disadvantage (violation of Article 6).

2. The Court noted that the rules concerning the admissibility of evidence in the above proceedings, and which provided that certain facts could be determined only through the presentation of written evidence dating back to the time when the injury had been sustained, meant that the applicant was effectively faced with both a legal and a factual inability to have his claim properly examined (§ 80). It also held that it would have been beneficial for a national court to have heard, at an oral hearing, the retired police officer referred to in the police statement examined during the proceedings (§ 81).

3. Thus, the Court found that the applicant did not have an effective right to a fair trial and was not afforded a reasonable opportunity to present his case, including at an oral hearing, under conditions that would not have placed him at a substantial disadvantage (§ 82).

II INDIVIDUAL MEASURES

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

A. Reopening of the proceedings

5. Based on the judgment of the European Court, the applicant requested a reopening of the proceedings, in accordance with the Law of Administrative Disputes (Article 56 § 1.7) in order to obtain judicial review of the previous national court decision. The Administrative Court opened these new proceedings on 13 June 2024.

6. On 25 October 2024, the Administrative Court rejected the applicant's request for reopening as belated, finding that it was submitted after the expiry of the objective five-year time limit set out in Article 57 § 3 of the Law on Administrative Disputes.

7. The applicant lodged a request for review of this decision before the Supreme Court. On 14 April 2025, the Supreme Court dismissed the request, confirming the Administrative Court's reasoning that the action for reopening was time-barred, despite being lodged within the six-month subjective deadline following the publication of the European Court's judgment in the Official Gazette. The Supreme Court held that the expiry of the objective five-year period from the date of the finality of the original judgment (3 November 2014) constituted an absolute bar to reopening.

8. Following the Supreme Court's judgment of 14 April 2025, the applicant did not lodge a constitutional appeal before the Constitutional Court.

9. The Government considers that no additional individual measures are required in the circumstances of the present case.

B. The applicant's redress

10. The European Court awarded the applicant just satisfaction in respect of non-pecuniary damage in the amount of EUR 3,000 and EUR 3,000 in respect of costs and expenses. The payments have been made on 24 June 2024, within the deadline set out by the European Court.

11. The authorities would also like to 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 6 May 2027. 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.

12. In view of the above, the authorities consider that the applicant has been fully redressed for the damage sustained.

III GENERAL MEASURES

13. In response to the European Court's findings, the authorities have taken measures aimed at preventing similar violations as set out below.

A. Convention-compliant legislative reform

14. The authorities would like to note that following the facts of the present case, but preceding the present judgment of the Court, the law applied in the present case - the Civilian Persons Disabled as a Consequence of War Act - was repealed. At the same time, on 1 January 2021, it was replaced with the Act on the Rights of Warriors, Military Disabled Persons, Civilian Persons Disabled as a Consequence of War, and Members of Their Families (Official Gazette of the Republic of Serbia, no. 18/2020).

15. The new law determines the acceptable evidence which can be recognized in the procedure of granting a person the status of a civilian person disabled as a consequence of war in a much more flexible way than the previously applicable law. Thus, the circumstances relevant for the procedure are determined based on the report of the conducted investigation, as well as other acts of the competent internal affairs authorities and judicial bodies (Article 144). At the same time, the scope of acceptable written evidence has been broadened to medical documentation from the time of the injury (Article 146), as well as written documents created later on, provided they are founded on some documentation from the time of the injury (Article 145).

16. Importantly, the explanatory materials of the Act themselves confirm that these provisions were introduced precisely in order to overcome the shortcomings and excessive rigidity of the earlier legislation. The previous law strictly limited the range of admissible documents, often to the point of excluding credible evidence if it was not created contemporaneously with the injury, thereby preventing courts from examining the substance of claims. By contrast, the new law expressly allows reliance on later-issued medical or official records, provided they are linked to the relevant events, and it recognizes as valid various records from internal affairs and judicial bodies. This evolution of the evidentiary framework illustrates the legislator's explicit intention to relax overly formalistic rules and to ensure that applicants are not deprived of a genuine opportunity to prove their claims in practice.

17. The Court also pointed out the issue of the lack of a public hearing before the Administrative court. However, this observation was restricted to "the very specific and country-specific circumstances of the present case" (§ 81), instead of criticizing the overall legal framework in this regard. Therefore, the present case may be considered an isolated incident, giving no need for a legislative reform in order to be remedied.

18. It follows from the above that the systemic issue of excessive formalism in the administrative proceedings concerning the recognition of a person's status as a civilian

person disabled as a consequence of war has been remedied, providing for prevention of future violations similar to the one sustained by the applicant in the present case.

B. Publication and dissemination measures

19. In 2024, 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.

20. 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.

21. The above-mentioned measures ensured that all domestic courts and relevant bodies are now aware of the Court's findings and the need to comply with the Convention requirements in similar cases.

IV JUST SATISFACTION

22. The authorities ensured that just satisfaction awarded by the European Court has been disbursed to the applicant on 24 June 2024. The payment has thus been made within the deadline set out by the European Court.

V CONCLUSIONS

23. The authorities consider the individual measures taken ensured that the applicant was redressed for the damage sustained.

24. The authorities furthermore consider that the general measures taken and envisaged are capable of preventing similar violations.

25. 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 *Đurić*.