

ACTION REPORT

MARKO TEŠIĆ v. Serbia

Application no. 61891/19, Judgment of 4 November 2025, final on 4 February 2026

I CASE DESCRIPTION

1. This case concerns the imposition of a fine on the applicant, a defence lawyer, for contempt of court in 2017 on account of remarks made in non-public written submissions relating to alleged irregularities in the recording of his objections in the written record during criminal proceedings (violation of Article 10).

2. The Court held that the applicant's submissions, even if caustic in tone, constituted genuine procedural grievances with a view to adversarial argument, and did not relate to the judge's personal integrity. Moreover, the amount of fine was found to be excessive (§§ 41-43).

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 applicant in this case claimed just satisfaction in respect of pecuniary damage before the European Court, corresponding to the fine imposed. The European

Court awarded the applicant just satisfaction in respect of pecuniary damage in the amount of EUR 680 – equivalent to the sum sought by the applicant – since the Court had found a sufficient causal link between the applicant's claim and the violation found. The payment has been made on 25 March 2026.

B. Request for the protection of legality

5. The authorities further note that after the European Court delivered its judgment in the present case, the applicant lodged a request for the protection of legality before the Supreme Court. By decision of 4 March 2026, the Supreme Court examined the request and provided detailed reasoning concerning the applicable procedural framework under Article 483 of the Criminal Procedure Code governing extraordinary remedies.

6. The Supreme Court clarified that only the Supreme Public Prosecutor and the accused through his or her defence counsel are authorised to lodge a request for the protection of legality, whereas other persons may only submit an initiative to the Supreme Public Prosecutor requesting the submission of such remedy. The request in the present case was therefore declared inadmissible as having been lodged by an unauthorised person.

7. Therefore, the authorities consider that no further individual measures are necessary.

III GENERAL MEASURES

8. Further to the facts of this case, the authorities have taken measures aimed at preventing similar violations as set out below.

A. Convention-compliant case law of the Constitutional Court

9. The authorities would like to note that the case-law of the Constitutional Court of Serbia demonstrates awareness of the relevant Convention standards concerning the freedom of expression of lawyers in the context of court proceedings and the need to strike a fair balance between the protection of the authority of the judiciary and lawyers' freedom of expression under Article 10 of the Convention.

10. In particular, in response to the request submitted in the context of the execution of the present judgment, although there had been no judgments after 2019 finding a violation in circumstances similar to the present case, the Constitutional Court referred to its decision [Už-9940/2018 of 16 June 2022](#). Namely, that case likewise concerned sanctions imposed on a lawyer on account of statements made in the course of judicial proceedings. According to the Constitutional Court, that decision contains detailed reasoning based on the relevant principles established in the Court's case-law relating to the permissible limits of criticism by lawyers, the protection of the authority and impartiality of the judiciary, and the necessity and proportionality of restrictions imposed on freedom of expression.

11. The authorities therefore submit that the case *Marko Tešić* does not disclose the existence of a structural problem or settled domestic practice incompatible with Article 10 of the Convention. Rather, the violation found by the European Court resulted from the particular assessment made in the circumstances of the applicant's case. At the same time, the Constitutional Court's jurisprudence demonstrates that the domestic constitutional framework is capable of incorporating and applying the Convention standards developed by the European Court in this field.

12. In view of the above, the authorities consider that the existing constitutional review mechanism, interpreted in the light of the Convention and the Court's case-law, provides appropriate safeguards against similar violations in future cases.

B. Training and awareness raising measures

13. In order to improve the application of Article 10 of the European Convention on Human Rights, the Judicial Academy of the Republic of Serbia has implemented several training programmes aimed at strengthening judicial awareness of the guarantees of the freedom of expression.

14. Between 2016 and 2022, the Academy successfully implemented the JUFREX project in collaboration with the Council of Europe. This initiative provided specialized training for judges, public prosecutors, and police officers, addressing the freedom of expression, specifically the protection and safety of journalists. With this regard, in 2020 the Academy developed a dedicated distance learning course focused on the subject. In 2021, a three-day "Training of Trainers" session was conducted for 35 participants. Four specialized two-day online workshops were held for 59 judges and prosecutors throughout the year. A two-day training seminar was organized for 25 police officers in Belgrade.

15. The Academy prepared a HELP course on freedom of expression. Educational publications on these topics were prepared and distributed to courts and prosecutor's offices across the country. In 2022, a two-day training sessions were held in Vrdnik and Aranđelovac for 37 judges and prosecutors. Three two-day sessions for 78 police officers were conducted in Belgrade and Kopaonik. Two HELP courses were finalized for 23 participants, covering freedom of expression.

16. Moving forward, the Judicial Academy is transitioning to the PRO-FREX project in partnership with the Council of Europe. A primary objective of this new phase is to equip the Serbian judiciary with the tools necessary to identify and effectively handle Strategic Lawsuits Against Public Participation (SLAPP). Building on the success and international praise received for previous programs, the Academy will continue to train judges who can then disseminate these standards to their peers. All future reporting and educational activities will remain strictly aligned with Council of Europe Recommendation CM-REC (2024)2.

C. Publication and dissemination measures

17. In 2026, 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.

18. 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, including the Constitutional Court.

19. 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

20. The authorities ensured that just satisfaction awarded by the European Court has been disbursed to the applicant on 25 March 2026. The payments have thus been made within the deadline set out by the European Court.

V CONCLUSIONS

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

22. The authorities furthermore consider the general measures taken are capable of preventing similar violations.

23. 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 *Marko Tešić*.