



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

SECOND SECTION

DECISION

Application no. 33902/08
Radmila ILIĆ against Serbia
and 7 other applications
(see list appended)

The European Court of Human Rights (Second Section), sitting on 6 July 2021 as a Committee composed of:

Aleš Pejchal, *President*,

Branko Lubarda,

Pauliine Koskelo, *judges*,

and Hasan Bakırcı, *Deputy Section Registrar*,

Having regard to the above applications lodged on the various dates indicated in the appended table,

Having regard to the observations submitted by the respondent Government and the observations in reply submitted by the applicants,

Having deliberated, decides as follows:

THE FACTS

1. A list of the applicants is set out in the appendix. Their personal details, the dates of introduction of their complaints before the Court, and information regarding their legal counsel, respectively, are also contained in the appendix.

2. The Serbian Government were represented by their Agent, Ms Z. Jadrijević Mladar.

3. The applicants complained about the alleged death of their new born children in State-run hospitals between 1974 and 2007 and maintained that the children could in fact still be alive, having been given up for adoption unlawfully. In this connection, the applicants claimed that they were entitled to know the truth about their children's fate. They further complained that they had had no effective domestic remedy in respect of their grievances.

THE LAW

4. The Court, being the master of the characterisation to be given in law to the facts of any case before it (see, among many other authorities, *Radomilja and Others v. Croatia* [GC], nos. 37685/10 and 22768/12, §§ 114 and 126, 20 March 2018), considers that the above complaints fall to be examined under Article 8 and Article 13 read in conjunction with Article 8 of the Convention (see *Zorica Jovanović v. Serbia*, no. 21794/08, §§ 43 and 78, ECHR 2013, and *Mik and Jovanović v. Serbia* (dec.), nos. 9291/14 and 63798/14, 23 March 2021).

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

6. Turning to the very substance of the applicants' complaints, in *Mik and Jovanović*, while addressing the same issues as the ones raised by the applicants in the present case, the Court most recently held that due to new domestic legal developments it was no longer justified to continue with the examination of the case within the meaning of Article 37 § 1 (c) of the Convention. It also found no particular reasons regarding respect for human rights as defined in the Convention which would have required its continued examination of the case under Article 37 § 1 *in fine*. Accordingly, the applications in question were struck out of the Court's list of cases (see §§ 43-52 of the cited decision).

7. The Court finds no reason to depart from its conclusions in the aforementioned case and thus strikes out the applications in the present case on the same basis.

8. This is, however, without prejudice to the Court's power to restore, pursuant to Article 37 § 2 of the Convention, the present or any other similar applications to its list of cases if the relevant circumstances, including any subsequent developments or indeed a lack thereof, justify such a course of action (see *Mik and Jovanović*, cited above, § 53).

9. In view of the above, it is lastly not necessary for the Court to examine separately any of a number of inadmissibility objections raised by the Government in the present case (*ibid.*, § 54).

For these reasons, the Court, unanimously,

Decides to join the applications;

Decides to strike the applications out of its list of cases.

ILIĆ v. SERBIA AND OTHER APPLICATIONS DECISION

Done in English and notified in writing on 9 September 2021.

Hasan Bakırcı
Deputy Registrar

Aleš Pejchal
President

ILIĆ v. SERBIA AND OTHER APPLICATIONS DECISION

Appendix

No.	Application no.	Case name	Lodged on	Applicant Year of Birth Place of Residence Nationality	Represented by
1.	33902/08	Ilić v. Serbia	01/07/2008	Radmila ILIĆ 1965 Kragujevac Serbian	Nemanja MARKOVIĆ
2.	34039/10	Bukvički v. Serbia	14/04/2010	Svetlana BUKVIČKI 1971 Mačvanski Prnjavor Serbian	A11 INICIJATIVA ZA EKONOMSKA I SOCIJALNA PRAVA
3.	80191/13	Agatonović v. Serbia	06/12/2013	Živan AGATONOVIĆ 1955 Kragujevac Serbian Milka AGATONOVIĆ 1955 Kragujevac Serbian	Danijel STOILKOVIĆ

ILIĆ v. SERBIA AND OTHER APPLICATIONS DECISION

No.	Application no.	Case name	Lodged on	Applicant Year of Birth Place of Residence Nationality	Represented by
4.	63804/14	Mikić v. Serbia	10/09/2014	Lazar MIKIĆ 1954 Kragujevac Serbian	Danijel STOILKOVIĆ
5.	70619/14	Jurišić v. Serbia	24/12/2014	Milanka JURISIĆ 1965 Bogatić Serbian	Dragica GOVEDARICA
6.	50472/16	Burojević v. Serbia	16/08/2016	Jasmina BUROJEVIĆ 1966 Smederevska Palanka Serbian	self-represented
7.	33273/17	Ilić v. Serbia	25/04/2017	Dragan ILIĆ 1979 Lebane Serbian	Blaža MENKOVIĆ
8.	15922/19	Savković v. Serbia	05/03/2019	Mirjana SAVKOVIĆ 1954 Belgrade Serbian	Dragan JAKOVLJEVIĆ

