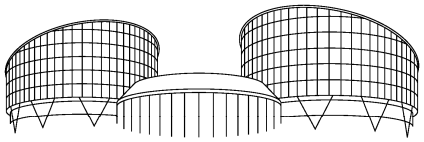

EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

THIRD SECTION

CASE OF ŠILOVIĆ v. SERBIA

(Application no. 32883/08)

JUDGMENT

STRASBOURG

8 November 2016

This judgment is final but it may be subject to editorial revision.

In the case of Šilović v. Serbia,

The European Court of Human Rights (Third Section), sitting as a Committee composed of:

Pere Pastor Vilanova, *President,*
Branko Lubarda,
Georgios A. Serghides, *judges,*
and Fatoş Aracı, *Deputy Section Registrar,*

Having deliberated in private on 11 October 2016,

Delivers the following judgment, which was adopted on that date:

PROCEDURE

1. The case originated in an application (no. 32883/08) against the Republic of Serbia lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") by a Serbian national, Mr Goran Šilović ("the applicant"), on 19 March 2008.

2. The Serbian Government ("the Government") were represented by their Agent at the time, Ms V. Rodić who was recently substituted by their current agent Ms N. Plavšić.

3. On 18 December 2014 the application was communicated to the Government.

4. The Government objected to the examination of the application by a Committee. After having considered the Government's objection, the Court rejects it.

THE FACTS

I. THE CIRCUMSTANCES OF THE CASE

5. The applicant was born in 1952 and lives in Beograd.

6. On 10 June 2002 the applicant filed a claim with the former Supreme Military Court in Belgrade for payment of certain benefits.

7. On 10 August 2007 the Supreme Court of Serbia which took over the jurisdiction of the Supreme Military Court in Belgrade rejected the applicant's claim. The applicant received the said judgment on 2 October 2007.

THE LAW

I. ALLEGED VIOLATION OF ARTICLE 6 OF THE CONVENTION

8. The applicant complained that the length of the proceedings in question had been incompatible with the "reasonable time" requirement, laid down in Article 6 § 1 of the Convention, which reads as follows:

> "In the determination of his civil rights and obligations ..., everyone is entitled to a ... hearing within a reasonable time by a ... tribunal ..."

9. The Government contested that argument claiming that in the specific circumstances of the case, namely the transfer of large number of cases from the former Supreme Military Court to the Supreme Court, the length of proceedings cannot be considered excessive.

10. The period to be taken into consideration began on 3 March 2004 when the Convention entered into force in respect of by Serbia, and ended on 2 October 2007 when the applicant was served with the Supreme Court's judgment. It has thus lasted for three years and seven months in one level of jurisdiction.

A. Admissibility

11. The Court notes that this application is neither manifestly ill-founded within the meaning of Article 35 § 3 of the Convention nor inadmissible on any other grounds. It must therefore be declared admissible.

B. Merits

12. The Court reiterates that the reasonableness of the length of proceedings must be assessed in the light of the circumstances of the case and with reference to the following criteria: the complexity of the case, the conduct of the applicants and the relevant authorities and what was at stake for the applicant in the dispute (see, among many other authorities, *Frydlender v. France* [GC], no. 30979/96, § 43, ECHR 2000-VII).

13. The Court has frequently found violations of Article 6 § 1 of the Convention in cases raising issues similar to the one in the present case (see *Frydlender*, cited above).

14. Having examined all the material submitted to it, the Court has not found any fact or argument capable of persuading it to reach a different conclusion on the merits of the applicant's complaint. Having regard to its case-law on the subject (see *Nemet v. Serbia*, no. 22543/05, § 17, 8 December 2009), the Court considers that in the instant case the length of the proceedings was excessive and failed to meet the "reasonable time" requirement.

15. Accordingly, there has been a breach of Article 6 § 1 of the Convention.

II. APPLICATION OF ARTICLE 41 OF THE CONVENTION

16. Article 41 of the Convention provides:

> "If the Court finds that there has been a violation of the Convention or the Protocols thereto, and if the internal law of the High Contracting Party concerned allows only partial reparation to be made, the Court shall, if necessary, afford just satisfaction to the injured party."

A. Damage, costs and expenses

17. The applicant claimed various sums in respect of pecuniary and non-pecuniary damage relating to the outcome of the proceedings and costs and expenses in the domestic proceedings.

18. The Government considered that as the amounts sought by the applicant related to the outcome of the domestic proceedings rather than the length of the said proceedings those were therefore unfounded.

19. Given that the damages and costs requested by the applicant related to the outcome of the domestic proceedings rather than the length of the said proceedings the Court does not discern any causal link between the violation found and the damages and costs requested; it therefore rejects this claim.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Declares* the application admissible;

2. *Holds* that there has been a violation of Article 6 of the Convention;

3. *Holds* that there is no call to award the applicant just satisfaction.

Done in English, and notified in writing on 8 November 2016, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Fatoş Aracı	Pere Pastor Vilanova
Deputy Registrar	President