

## SECRETARIAT / SECRÉTARIAT

SECRETARIAT OF THE COMMITTEE OF MINISTERS  
SECRÉTARIAT DU COMITÉ DES MINISTRES



Contact: Ireneusz Kondak  
Tel: 03.90.21.59.86

Date: 21/10/2025

**DH-DD(2025)1228**

Documents distributed at the request of a Representative shall be under the sole responsibility of the said Representative, without prejudice to the legal or political position of the Committee of Ministers.

Meeting: 1545<sup>th</sup> meeting (December 2025) (DH)

Item reference: Action Report (20/10/2025)

Communication from Serbia concerning the case of Vasilev v. Serbia (Application No. 48150/18) - *The appendices in Serbian are available upon request to the Secretariat.*

\* \* \* \* \*

Les documents distribués à la demande d'un/e Représentant/e le sont sous la seule responsabilité dudit/de ladite Représentant/e, sans préjuger de la position juridique ou politique du Comité des Ministres.

Réunion : 1545<sup>e</sup> réunion (décembre 2025) (DH)

Référence du point : Bilan d'action (20/10/2025)

Communication de la Serbie concernant l'affaire Vasilev c. Serbie (requête n° 48150/18) (**anglais uniquement**) - *Les annexes en serbe sont disponibles sur demande au Secrétariat.*

---

DGI

20 OCT. 2025

SERVICE DE L'EXECUTION  
DES ARRETS DE LA CEDH

Belgrade, 20 October 2025

## **ACTION REPORT**

### **VASILEV v. Serbia**

Application no. 48150/18, Judgment of 14 January 2025, final on 14 January 2025

## **I CASE DESCRIPTION**

1. This case concerns unfair proceedings before the Administrative Court in 2016 regarding the revocation of the applicant's firearm licence based on undisclosed confidential information, notably a confidential file regarding the background check (Article 6 § 1).

2. The Court noted that there was nothing in the Administrative Court decision to indicate that it conducted its own independent assessment of the confidential information that was withheld from the applicant. Nor did it provide any justification as to why it did not, if only summarily, indicate the accusations against him. Furthermore, no effort was made to mitigate the restrictions on the applicant's right to equality of arms, such as by offering an opportunity to refute specific allegations arising from the background check or by holding a public hearing (§ 16).

## **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 non-pecuniary damage before the European Court. The European Court awarded the applicant just satisfaction in respect of non-pecuniary damage in the amount of EUR 3.600. The payment has been made on 7 February 2025.

5. The applicant 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 14 January 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 the reopening of the administrative proceedings**

6. According to Articles 56 (7) and 57 (1 and 3) of the Administrative Disputes Act (Official Gazette RS no. 111/2009), a final court decision in administrative proceedings may be reopened at the request of a party if the European Court of Human Rights subsequently adopts a judgment concerning the same matter, provided that such a judgment may affect the lawfulness of the domestic decision.

7. To the best of the authorities' knowledge, the applicant has not submitted a request for the reopening of the proceedings before the Administrative Court.

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

### **III GENERAL MEASURES**

9. At the outset, the authorities would like to note that the violation in the present case resulted from the fact that the applicant was denied a fair hearing in the administrative proceedings concerning the extension of his security clearance. In particular, the domestic authorities failed to provide the applicant with sufficient information about the reasons for the negative decision, which had been based on classified materials, and did not enable him to effectively challenge the decision or meaningfully participate in the proceedings. The European Court found that this amounted to a violation of Article 6 § 1 of the Convention, due to the lack of adversarial proceedings and equality of arms.

10. 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 Administrative Court**

11. The authorities would like to underline that the Administrative Court has progressively developed a judicial practice aligned with the standards of the European Court of Human Rights concerning fair trial guarantees under Article 6 § 1 of the Convention, particularly in the context of administrative proceedings involving classified information.

12. In response to challenges arising from the confidentiality of certain evidence in administrative disputes, the Administrative Court has delivered an increasing number of judgments which demonstrate the Court's ability to ensure effective judicial protection even in cases involving sensitive or restricted-access material.

13. Specifically, in judgments U. 4566/13 of 15 January 2016<sup>1</sup>, U. 10154/15 of 17 March 2017<sup>2</sup>, U. 6543/19 of 9 October 2020<sup>3</sup>, U. 28728/21 of 16 August 2023<sup>4</sup> and U. 12059/22 of 3 June 2025<sup>5</sup>, the Administrative Court examined the merits of the cases and ruled in favor of the applicants, despite the presence of confidential or strictly confidential content in the case files.

14. These judgments demonstrate that the Administrative Court consistently applies the principles of a fair trial. In all cases, the Court found that first-instance authorities had not assessed all arguments raised in appeals and therefore returned the cases for reconsideration, ensuring that the parties could effectively defend their rights. The Administrative Court also ordered the supplementation of proceedings and the presentation of proposed evidence, including the hearing of relevant witnesses and the collection of records from criminal and administrative registers.

15. Moreover, even when classified or confidential information was involved, the Administrative Court required that first-instance decisions be clearly reasoned, with stated grounds, legal basis, and evaluation of evidence, meeting the standard of effective and understandable reasoning for the parties. In the above-cited cases the Court also underlined that there was no evidence in the casefile to substantiate the allegations made against the applicants, so that decisions lacked the relevant factual basis as well as appropriate reasoning. As these cases demonstrate, the Administrative Court is conducting its own independent assessment of the confidential information and its factual underpinnings, carefully balancing national security concerns with the parties' right to a fair trial, and ensuring effective protection of rights, including in cases involving security checks and secret records.

16. These rulings indicate that the Administrative Court is taking particular care and attention in the course of its own review of the matter so as to ensure that its decision-

---

<sup>1</sup> Annex 1 - U. 4566/13 of 15 January 2016

<sup>2</sup> Annex 2 - U. 10154/15 of 17 March 2017

<sup>3</sup> Annex 3 - U. 6543/19 of 9 October 2020

<sup>4</sup> Annex 4 - U. 28728/21 of 16 August 2023

<sup>5</sup> Annex 5 - U. 12059/22 of 3 June 2025

making is, as far as possible, in compliance with the requirement of adversarial proceedings and the principle of equality of arms.

17. The practice of the Administrative Court in these cases spanning from 2016 to 2025 consistently aligns with the standards of the European Court of Human Rights, demonstrating that the court incorporates adequate safeguards to protect the interests of the plaintiffs and ensures that they receive a fair trial as guaranteed under Article 6 of the Convention. This approach prevents the recurrence of violations of the right to a fair trial, particularly in proceedings involving confidential information or matters of national security, and contributes directly to the prevention of cases similar to those established in the *Vasilev* judgment.

## **B. Training and awareness raising measures**

18. In order to raise awareness among the judiciary about the standards stemming from Article 6 § 1 of the European Convention on Human Rights, in particular the right to a fair trial, the principle of adversarial proceedings and equality of arms in administrative disputes, the Judicial Academy of the Republic of Serbia has undertaken a series of training activities.

19. Between 2019 and 2024, the Judicial Academy organised seven in-person training sessions under the title “Administrative Law and Administrative Procedure”, primarily intended for participants in the initial training programme. A total of 158 participants successfully completed this training.

20. In 2024, a specialised training course focused on administrative disputes and administrative procedure was organised specifically for judges and legal advisers of the Administrative Court. This training was successfully completed by 12 judges and 23 legal advisers.

21. Furthermore, recognising the importance of strengthening the protection of the right to a fair trial in the context of enforcement of the Court’s judgments, the Judicial

Academy had already in 2018 and 2019 conducted targeted trainings for all judges of general and specialised jurisdiction, including court presidents. These trainings addressed the practical application of the Law on the Protection of the Right to a Trial within a Reasonable Time, the standards of Article 6 of the Convention and the Court's case-law.

22. In addition, the Judicial Academy maintains a distance learning platform which provides access to an online course on the Law on the Protection of the Right to a Trial within a Reasonable Time. The course is available to all registered users within the Serbian judiciary. Clear instructions on accessing the course have been communicated to all courts to ensure wide and effective participation.

23. All training programs included dedicated modules on the application of Article 6 of the Convention and relevant case-law of the European Court of Human Rights.

### **C. Publication and dissemination measures**

24. 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.

25. 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.

26. 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.

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

#### **IV JUST SATISFACTION**

28. The authorities ensured that just satisfaction awarded by the European Court has been disbursed to the applicant on 7 February 2025. The payment has thus been made within the deadline set out by the European Court.

#### **V CONCLUSIONS**

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

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

31. 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 *Vasilev*.