

## **ACTION REPORT**

### **Zuvić v. Serbia**

Application no. 3592/17, Judgment of 3 June 2025, final on 3 September 2025

## **I CASE DESCRIPTION**

1. This case concerns the applicant's inability, in the period 2002-2015, to obtain a judicial determination of the dispute over his discharge from professional military service once the disciplinary proceedings against him commenced (violation of Article 6).

2. The Court held that the overly restrictive interpretation of the requirement to revoke the applicant's discharge order by the Military Disciplinary Court in Belgrade in 2006, along with the subsequent transfer of his case to Montenegro by the Office of the President of Serbia, impaired the very essence of the applicant's right of access to a court for the purpose of the determination of his civil rights and obligations (§ 54).

## **II INDIVIDUAL MEASURES**

3. 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**

10. According to Articles 56 (7) 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.

11. In particular, a request for reopening must be submitted within six months from the publication of the European Court's judgment in the Official Gazette of the Republic of Serbia.

12. According to the information from the Administrative Court, the applicant has not submitted a request for the reopening of the proceedings as of 9 February 2026.

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

## **B. The applicant's redress**

14. The European Court awarded the applicant just satisfaction in respect of non-pecuniary damage in the amount of EUR 3,600 and EUR 1,170 in respect of costs and expenses. The payments have been made on 28 October 2025, within the deadline set out by the European Court.

15. 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 be 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 3 September 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.

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

### III GENERAL MEASURES

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

#### A. Isolated nature of the violation

18. The authorities wish to emphasize that the violation of Article 6 § 1 found in the present case stemmed from a specific and unique set of historical and legal circumstances related to the dissolution of the State Union of Serbia and Montenegro in 2006 and the subsequent transformation of the military judicial system.

19. Specifically, the European Court found that the applicant's right of access to a court was impaired due to the excessively formalistic approach of the domestic courts regarding the jurisdiction over disciplinary proceedings commenced before the State Union ceased to exist. The deadlock was caused by the domestic court's insistence on the revocation of a discharge order by the Supreme Defense Council - a body that had ceased to exist following the referendum on the independence of Montenegro - and the subsequent transfer of the case files between Serbian and Montenegrin authorities due to the uncertainty regarding territorial and subject-matter jurisdiction.

20. The authorities submit that these circumstances are historically unique and non-repeatable. The legal questions regarding the succession of the State Union of Serbia and Montenegro and the jurisdiction of military disciplinary bodies have long been settled. Consequently, the procedural vacuum that prevented the applicant from having his case examined cannot reoccur in the current legal framework of the Republic of Serbia, where the jurisdiction of courts and the continuity of military disciplinary bodies are clearly defined.

21. Furthermore, to verify the isolated nature of this violation, the authorities conducted consultations with the Constitutional Court and the Administrative Court. Both

courts confirmed that they have not encountered other cases sharing the specific factual and legal matrix of the *Zuvić* case.

22. In view of the above, the authorities consider that the violation in the present case was an isolated incident resulting from a complex state succession process that is no longer relevant to the functioning of the Serbian judiciary. Therefore, the authorities note that no legislative or other general measures of a structural nature are required.

### **B. Publication and dissemination measures**

23. 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.

24. 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.

25. 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**

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

## V CONCLUSIONS

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

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

29. 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 *Zuvić* case.