

ACTION PLAN

ALI v. Serbia

Application no. 4662/22 Judgment of 25 March 2025, final on 25 June 2025

I CASE DESCRIPTION

1. This case concerns the failure of domestic authorities, in 2021-2022, to examine, in a manner compatible with the Court's case-law requirements, the applicant's claim of a risk of ill-treatment prior to extraditing him to Bahrain (violation of Article 3), as well as their non-compliance with the interim measure indicated by the Court under Rule 39 (violation of Article 34).

2. The Court held that instead of making a substantive analysis of the applicant's alleged fear of persecution, the domestic bodies confined themselves to a formal examination of whether the statutory requirements for his extradition had been fulfilled. The domestic courts did not examine the situation in Bahrain in general nor did they carry out any, let alone an adequate, scrutiny of the applicant's personal circumstances. They failed to obtain any international report relevant to the situation in Bahrain, one of which specifically indicated that the applicant had been subjected to ill-treatment in the past, and they failed to allow the applicant to substantiate his claims (§§ 105-106).

3. According to the latest information available to the Court, the applicant had been arrested and detained immediately on arrival in Bahrain, further to his extradition by the Serbian authorities. It was reported in the media that he was allegedly convicted for terrorism-related offences and sentenced to several life sentences. It was further alleged by his legal representative that the applicant had no access to a lawyer, that his family had not been permitted to visit him and that he had only been allowed to make telephone calls to five numbers. It was further reported that the applicant had gone on hunger strike in protest at the harsh prison conditions and had been pepper-sprayed, handcuffed and placed in solitary confinement (§§ 38-42).

II INDIVIDUAL MEASURES

4. 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

5. The European Court awarded the applicant just satisfaction in respect of non-pecuniary damage in the amount of EUR 9,800. The authorities could not get the necessary documents needed for the payment to the applicant to be made, despite having attempted to obtain them multiple times through contact with the applicant's attorney.

6. In view of the above, the authorities consider that no further individual measures are possible in the present case at the moment, with the assurance that measures aimed at redressing the applicant for the damage sustained will be taken if the necessary information is provided to the authorities.

B. Ensuring the applicant's protection from ill-treatment and continued diplomatic monitoring

7. Immediately following the delivery of the judgment in case *Ali*, the Serbian authorities took urgent and proactive steps to prevent any continuation of the violation found by the Court under Article 3 of the Convention and to ensure that the applicant is not exposed to a risk of ill-treatment in the Kingdom of Bahrain.

8. The Serbian Ministry of Foreign Affairs contacted without delay the Embassy of the Republic of Serbia in the Kingdom of Bahrain and instructed it to closely and continuously monitor the applicant's situation, with particular attention to his conditions of detention, access to legal counsel, health care, and the overall treatment by the Bahraini authorities. The competent diplomatic mission confirmed that communication had been established with the Bahraini authorities and that assurances concerning the applicant's treatment in line with international human rights standards had been formally sought.

9. According to the official communication received from the competent Bahraini authorities, the applicant was convicted on 7 October 2013 by the High Criminal Court of Bahrain for a number of charges, including: joining a terrorist group with the aim of undermining constitutional provisions; possessing and using explosives to endanger lives and create public fear; attempting to manufacture and smuggle weapons and explosives for use in terrorist acts; financing and supplying terrorist groups. He was sentenced to life imprisonment, after exhausting all stages of litigation before the courts.

10. As stated by the Bahraini authorities, the applicant was represented by the legal counsel throughout all stages of the domestic judicial proceedings. Under Bahraini legislation, individuals unable to appoint a private lawyer are entitled to legal aid, and counsel had been appointed in the applicant's case. The applicant did not request further contact with or assistance from his lawyer after the conclusion of judicial proceedings.

11. The Bahraini authorities further confirmed that the applicant's current detention conditions fully comply with domestic law and international human rights standards. In particular:

a) Access to legal counsel

12. The applicant may meet privately with his lawyer in accordance with Article 31 of the Bahreini Executive Regulation of the Reform and Rehabilitation Centre's Law.

b) Family visits

13. Pursuant to Articles 17–20 of the Bahreini Executive Regulation of the Reform and Rehabilitation Center's Law, the applicant is entitled to regular family visits, including special-circumstance visits. Taking into account the medical condition of his child (autism), the Bahreini authorities granted exceptional barrier-free visits. The applicant has so far had 20 virtual calls and 49 visits.

c) Right to submit legal and administrative applications

14. The applicant, his family members, his legal representatives, as well as INGOs may lodge petitions and complaints through clearly established legal and administrative channels,

including directly to oversight bodies. Such complaints are handled in a transparent and professional manner, with follow-up and reporting.

d) Medical care

15. Since 2024, all detainees' medical records have been integrated under the supervision of the Bahreini Ministry of Health, ensuring equal access to healthcare as for the general population. The applicant has received multiple medical examinations, including 11 visits by the general physician, one visit by the orthopedic specialist, and two visits by the nutritionist. He had a consultation at the Salmaniya Medical Complex on 29 June 2025 and had an additional medical consultation on 4 February 2025. A nutritional assessment was conducted on 2 June 2025, to evaluate dietary needs and review claims of food-related issues.

e) Accommodation and hygiene

16. Detention facilities are regularly monitored, and inspections by oversight bodies confirmed compliance with health and hygiene standards, with all necessary supplies provided.

f) Outdoor access and solitary confinement allegations

17. The applicant is granted at least two hours of daily outdoor access and is not held in solitary confinement. His cell door remains open for extended periods, allowing movement within common areas.

g) Nutrition and water

18. The applicant receives three nutritionally adequate meals per day and has continuous access to clean drinking water. Special dietary needs are accommodated upon medical recommendation.

h) Hunger-strike allegations

19. According to the Bahreini authorities, the applicant is not currently on hunger strike. His most recent hunger strike occurred in February 2025 and was managed with full medical supervision, which confirmed stable vital signs and no immediate health risks.

20. With respect to inquiries regarding alternative sentencing or the possibility of a royal pardon, the Bahraini authorities indicated that a pardon is a sovereign prerogative of His Majesty the King. These measures are governed by specific legal conditions set forth in national legislation. Should the inmate meet the required legal criteria and formally apply, his case would be reviewed by the competent committee established to assess such requests, in accordance with the procedures stipulated by law.

C. Contacts with independent oversight bodies

21. With a view to strengthening the objectivity and independence of the monitoring process, the Serbian authorities have initiated steps to establish communication with Bahraini independent oversight mechanisms.

22. The Ombudsman of the Republic of Serbia is initiated direct contact with the Bahrain Ombudsman's Office. The purpose of this communication is to obtain impartial and authoritative information regarding the applicant's treatment, his access to healthcare, the conditions of his detention, and the functioning of complaint mechanisms.

23. According to the information provided by the Bahraini authorities, three independent oversight bodies—namely the Ombudsman's Office, the National Institution for Human Rights, and the Prisoners and Detainees Commission - exercise broad monitoring powers, including both announced and unannounced visits. They interview inmates, supervise detention conditions, and publish reports containing recommendations aimed at improving human rights protection in places of detention. In the event of any alleged violation, these bodies, as well as the detention centers themselves, are required to take immediate action as per the legal framework and hold those involved accountable if any violation was to occur.

D. Ongoing reporting

24. The Serbian authorities will continue to closely monitor the applicant's situation through diplomatic channels, communication with Bahraini authorities and oversight institutions, and regular collection of all relevant updates.

25. The Government remains fully committed to ensuring the applicant's protection and will continue to provide the Committee of Ministers with timely and comprehensive information on all individual measures undertaken in the execution of this judgment.

III GENERAL MEASURES

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

A. Measures aimed at rapid reaction to an interim measure ordered by the European Court

27. The authorities recall that the measures aimed at enabling a rapid reaction to an interim measure ordered by the European Court have already been taken in the context of the *Antić* case.

28. The authorities will continue to keep the Committee of Ministers informed of the progress of these measures within the framework of the *Antić* case.

B. Legislative measures

29. In its letter from 20 August 2025, the Department for the Execution of Judgements noted that the preconditions for extradition in the 2009 International Legal Assistance in Criminal Matters Act (Article 16) only require that the requesting State provide guarantees that the death penalty, if prescribed in the requesting State for the offence for which extradition is requested, will not be imposed or executed. It does not expressly provide for similar safeguards if there are serious grounds to believe that if the person concerned is extradited to the requesting country, he would run the real risk of being subjected to treatment contrary to Article 3 of the Convention. Article 21 of that Act, in so far as relevant, provides that an investigating judge must hear a person whose extradition has been requested on all the circumstances relevant for establishing the

preconditions for extradition. It is unclear, however, if this provision allows for effective scrutiny of the allegations of the risk of ill-treatment, since the preconditions for extradition do not expressly indicate Article 3 considerations.

30. In order to further strengthen the protection of human rights in extradition proceedings - an area which the Government recognises as particularly sensitive - and to ensure a more effective assessment of allegations concerning the risk of torture or inhuman or degrading treatment prior to any extradition decision, the Ministry of Justice has undertaken a detailed review of the relevant domestic legislation.

31. In this context, the Ministry of Justice is carefully examining the need for amendments to the International Legal Assistance in Criminal Matters Act, specifically with regard to the statutory preconditions for extradition. The aim of the envisaged legislative intervention would be to explicitly require the consideration of Article 3 of the European Convention on Human Rights in all extradition proceedings.

32. Furthermore, the Ministry is assessing possible legal solutions to ensure that, in every case where allegations exist - or where there are serious grounds to believe - that the person sought may face a real risk of torture, inhuman or degrading treatment in the requesting State following extradition, the competent authorities are empowered to obtain appropriate and reliable assurances concerning the treatment of the extradited person.

33. After the completion of this legislative analysis, an appropriate initiative will be submitted to the competent organisational unit of the Ministry of Justice responsible for drafting, amending, and supplementing legislation, with a view to determining the most suitable normative approach.

34. The authorities will keep the Committee of Ministers informed, in due course, of all further steps taken within this process.

C. Publication and dissemination measures

35. 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.

36. 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.

37. 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

38. The authorities have made repeated efforts, through communication with the applicant's attorney, to obtain the necessary documentation required for the payment of the just satisfaction awarded by the European Court. However, all such efforts have so far remained unsuccessful.

39. The Government continues to undertake all necessary steps to ensure the disbursement of the awarded just satisfaction to the applicant.

V CONCLUSIONS

40. The authorities will continue to take measures to redress the applicant for the damage sustained.

41. The authorities will inform the Committee of Ministers of the progress in individual, as well as general measures regarding the systemic safeguards introduced following *Antić* case, complemented by the amendments of the International Legal Assistance in Criminal Matters Act.

42. The Government takes this opportunity to reiterate to the Committee of Ministers its commitment to comply with its obligations under Article 46 (1) of the Convention in this case.