

1569th meeting, 15-17 September 2026 (DH)

Human rights

H46-38 Ali v. Serbia (Application No. 4662/22)

Supervision of the execution of the European Court's judgments

Reference documents

DH-DD(2025)920; DH-DD(2026)85; DH-DD(2026)390; DH-DD(2026)791

Action – Item proposed without debate

To adopt the draft decisions below.

Application	Case	Judgment of	Final on	Indicator for the classification
4662/22	ALI	25/03/2025	25/06/2025	Complex problem

- Co-operation project: Horizontal Facility for the Western Balkans and Türkiye 2023-2026 (Horizontal Facility III) – Strengthening Human Rights Protection in Serbia

Case description

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 his extradition to Bahrain (violation of Article 3), as well as their non-compliance with the interim measure indicated by the Court under Rule 39 staying the applicant's removal (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).

Status of execution

On 11 August and 10 December 2025, the authorities submitted an initial communication regarding the applicant's personal situation and the first action plan respectively (DH-DD(2025)920; DH-DD(2026)85). On 24 March and 23 June 2026, they submitted updated action plans (DH-DD(2026)390 and DH-DD(2026)791) which can be summarized as follows:

¹ This document has been classified restricted until examination by the Committee of Ministers.

² The general measures with respect to this violation are also followed under *Antić v. Serbia* (no. 41655/16).

Individual measures

1) Payment of just satisfaction

The authorities noted that despite their repeated attempts to this end, the applicant's legal representative has failed to provide the applicant's payment documentation, as the latter is currently incarcerated in Bahrain. A court deposit account has therefore been opened in the applicant's name on 20 February 2026 with the First Basic Court in Belgrade and the payment has been made.

2) Other individual measures

The authorities took urgent and proactive steps, immediately following the delivery of the present judgment, to ensure that the applicant is not exposed to a risk of ill-treatment in the Kingdom of Bahrain. 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 overall treatment. The Embassy confirmed that communication had been established with the Bahraini authorities and that assurances had been formally sought concerning the applicant's treatment in line with international human rights standards.

According to the official communication received from the Bahraini authorities, the applicant's current detention conditions fully comply with the domestic law and international human rights standards. In particular, the applicant has access to legal counsel, is entitled to regular family visits (so far, he has had 49 visits), has a right to lodge petitions and complaints through clearly established legal and administrative channels, has access to medical care and has received multiple medical examinations, is held in adequate conditions of detention not in solitary confinement, and is not on a hunger strike (the last one occurred in February 2025). Under certain conditions, provided by law, he may be eligible to royal pardon.

With a view to strengthening the objectivity and independence of the monitoring process, the authorities have also established communication with Bahraini independent oversight mechanisms. The Ambassador of Serbia to the Kingdom of Bahrain thus held a meeting with the Bahraini Ombudsman. During this meeting, the Bahraini Ombudsman confirmed that her office continuously monitors the applicant's situation. The Ombudsman is particularly monitoring any disciplinary proceedings that may be initiated against him for allegedly not abiding by prison rules. She confirmed that the applicant has access to medical care and family visits. The Ombudsman of Serbia also sent a letter to his counterpart in Bahrain, for the purpose of obtaining specific up-to-date information regarding the applicant's status and the protection of his fundamental rights, and the answer is still pending.

The authorities undertake to continue to maintain regular diplomatic contacts with competent Bahraini institutions and oversight institutions to closely monitor the applicant's situation. Any further relevant information received through these channels will be promptly communicated to the Committee of Ministers.

Rule 9.1 communication: In their communication of 25 August 2026 (DH-DD(2026)1058), the applicant's representatives complained that the applicant had been unable to withdraw the sum awarded for just satisfaction, deposited with the court in Belgrade, through his attorney in Serbia, due to the overly formalistic procedures. In particular, they referred to the requirement to have the power of attorney notarised before the Serbian Embassy in Bahrain, which, they noted, is open only to Serbian citizens. Moreover, they raised concerns about the applicant's conditions of detention, noting that he had allegedly been on a hunger strike until July 2026. Finally, they considered that the authorities should enter into negotiations with Bahrain to secure the applicant's return to Serbia.

General measures

In June 2026, the Government Agent and representatives of the Ministry of Justice ("Ministry"), received a delegation from the Secretariat and provided detailed updated information on the planned and undertaken measures aimed at the full execution of this case and the case of *Antić v. Serbia* (No. 41655/16, judgment final on 20 June 2024).

1) *Procedural violation of Article 3*

In order to further strengthen the protection of human rights in extradition proceedings, and to ensure a more effective assessment of allegations concerning the risk of torture, inhuman or degrading treatment prior to any extradition decision, the Ministry has undertaken a detailed review of the relevant domestic legislation. Based on this analysis, the Ministry will proceed with amendments to the 2009 Law on International Legal Assistance in Criminal Matters to align it with European Union legislation and international standards. A draft version is expected to be prepared by the end of 2026 or in the first quarter of 2027.

The authorities notably envisage that the new legislative framework require the competent authorities, in extradition proceedings, to examine any allegations and all relevant circumstances relating to the protection of fundamental rights guaranteed by the Convention, in particular Articles 2 and 3.

The draft legislation is also expected to provide for the obligation to seek and obtain appropriate assurances from the requesting State whenever there are allegations, or serious grounds for believing, that the person concerned may face a real risk of treatment contrary to Articles 2 or 3 of the Convention following extradition.

2) *Violation of Article 34 due to non-compliance with interim measures*

The authorities recalled the measures already undertaken in the context of the *Antić* case (see DH-DD(2025)460 for details) to ensure proper inter-agency communication within the state, notably where - as in the present case - the indication of interim measures from the Court arrives after working hours or on a weekend. To this end, in 2025, the authorities have named contact persons within the Ministry of Justice and Ministry of Internal Affairs with 24-hour availability, seven days a week, thus providing the conditions for the timely application of any future interim measures. The mechanism has not yet been activated in practice as, since its establishment, no interim measures have been indicated in similar circumstances.

Furthermore, the authorities are currently considering, in the context of the above-mentioned reform to the 2009 Law, the introduction of provisions aimed at strengthening safeguards relating to the execution of interim measures indicated by the Court under Rule 39 of the Rules of Court, including an explicit obligation for the competent authorities to act in accordance with such measures.

Finally, in their action plan (DH-DD(2026)791) the authorities reaffirm their commitment to ensuring full compliance with interim measures indicated under Rule 39 and explain that they consider that the institutional arrangements currently in place provide an effective safeguard against similar violations.

3) *Other relevant information*

United Nations: In its Concluding observations on the fourth periodic report for Serbia, the Human Rights Committee expressed its concern about reports of failures of due process resulting in extraditions being carried out without applications for interim measures of protection being allowed to take their course. It called on Serbia to ensure respect for the principle of non-refoulement by ensuring that, *inter alia*, asylum-seekers and any persons in need of international protection are not extradited to a country in which there are substantial grounds for believing that there is a real risk of irreparable harm.³ In its Concluding observations on the combined sixth to ninth periodic reports of Serbia, the Committee on the Elimination of Racial Discrimination also expressed its concern about reports of the application of the removal procedure in Serbia without the comprehensive individualised assessments required under the principle of non-refoulement and without adequate due process guarantees, and recommended ensuring full compliance with international law obligations in this respect.⁴

³ HRC, Concluding observations on the fourth periodic report of Serbia (CCPR/C/SRB/CO/4), 3 May 2024, para. 32-33.

⁴ CERD, Concluding observations on the combined sixth to ninth periodic reports of Serbia (CERD/C/SRB/CO/6-9), 22 May 2026, para. 32-33.

Analysis of the Secretariat

Individual measures

Although the sum awarded as just satisfaction in respect of non-pecuniary damage has been placed in a deposit account before the domestic court, the applicant's representatives have indicated difficulties in complying with the conditions for the release of these funds, in view of the exceptional nature of the applicant's situation. The Committee could therefore encourage the authorities to co-operate with the applicant's representatives and the Secretariat to find solutions to enable the release of funds to take place without delay.

The Committee could welcome the diplomatic steps already undertaken by the authorities to obtain information from the Bahraini authorities on the applicant's current situation and to ensure that his rights under Article 3 are duly protected. The authorities could be encouraged to continue their efforts in this respect and to keep the Committee informed, to the extent possible, of any relevant developments concerning the applicant's situation, including on the allegations made by the applicant's legal representatives as to his conditions of detention, as they have already undertaken to do.

Furthermore, the Committee might also wish to seek an undertaking from the authorities that should they receive information that the applicant may risk treatment contrary to Article 3 of the Convention, they will take all possible measures within their competence to secure the effective protection of his Convention rights.

General measures

At the outset, the Committee might welcome the consultations that took place in June 2026 between the Secretariat and the Serbian authorities on the implementation of the present case.

1) Procedural violation of Article 3

The authorities' decision to prepare by the first quarter of 2027 legislative amendments to the 2009 Law on International Legal Assistance in Criminal Matters is a positive development. The current legal framework seems to require guarantees only in relation to the risk of the death penalty, without expressly providing for similar guarantees where there are substantial grounds for believing that the person concerned, if extradited, would face a real risk of treatment contrary to Article 3 of the Convention. The planned new legislative framework which will expressly require the competent authorities, in extradition proceedings, to examine any allegations and all relevant circumstances relating to the protection of fundamental rights guaranteed by the Convention, including ill-treatment, is thus expected to significantly contribute to the prevention of similar violations.

The Committee may therefore wish to welcome this decision and invite the authorities to provide information about progress in the adoption of the planned legislative amendments. Pending their adoption, the Committee could also encourage the domestic courts to carry out rigorous scrutiny of the risk of ill-treatment in the requesting country, in full compliance with the Convention requirements, and invite the authorities to provide information on relevant domestic case-law illustrating such practice.

2) Violation of Article 34 due to non-compliance with interim measures

The Committee might first wish to recall the vital role of interim measures in the Convention system, in particular in view of the fact that no derogation is possible from Article 3 which prohibits, in absolute terms, torture and inhuman or degrading treatment or punishment. In this context, the Committee might note with satisfaction the authorities' reaffirmed commitment to ensuring full compliance with interim measures indicated by the Court.

The Committee might further note with interest the recently established mechanism to ensure appropriate practical conditions for the timely application of any future interim measures. While this development appears capable of addressing the shortcomings identified in the present case, it has not yet been tested. The authorities could therefore be invited to provide information on its application in practice, once available.

Finally, the Committee might also note with interest that the authorities are currently considering, in the context of reform to the 2009 Law, the introduction of provisions aimed at further strengthening safeguards relating to the application of interim measures indicated by the Court and might invite them to provide information on the outcome of these reflections in their next update.

Financing assured: YES

Draft decisions

The Deputies

1. recalled that this case concerns the failure of the authorities to discharge their procedural obligation under Article 3 to assess the risk of ill-treatment before extraditing the applicant to Bahrain in January 2024, and the failure to comply with an interim measure staying his removal, thereby also giving rise to a violation of Article 34;

As regards individual measures

2. noted that, although the just satisfaction has been placed in a deposit account in a domestic court, the applicant's representatives have indicated difficulties in complying with the conditions for the release of the funds given the exceptional nature of the applicant's situation; encouraged therefore the authorities to co-operate with the applicant's representatives and the Secretariat to find solutions to enable the release of funds to take place without delay;

3. welcomed the diplomatic steps already undertaken by the authorities to obtain information from the Bahraini authorities on the applicants' current situation and to ensure that his rights under Article 3 are duly protected; encouraged them to continue their efforts in this respect and to keep the Committee informed, to the extent possible, of any relevant developments concerning the applicant's situation, including on the allegations made by the applicant's legal representatives as to his conditions of detention;

4. invited the authorities to undertake that, should they receive information that the applicant may risk treatment contrary to Article 3 of the Convention, they will take all possible measures within their competence to secure the effective protection of the applicant's Convention rights;

As regards general measures

5. welcomed the consultations that took place in June 2026 between the Secretariat and the Serbian authorities on the implementation of the present case;

6. welcomed further the authorities' decision to prepare, by the first quarter of 2027, amendments to the 2009 Law on International Legal Assistance in Criminal Matters to improve compliance with the Convention, notably by requiring the competent authorities in extradition proceedings to examine any allegations of a risk of ill-treatment prior to extradition; invited the authorities to provide information about progress in their adoption;

7. pending their adoption, encouraged the domestic courts, within the context of extradition proceedings, to carry out rigorous scrutiny of claims of risk of ill-treatment in the requesting country, in compliance with the Convention requirements, and invited the authorities to provide information on any relevant domestic case-law illustrating such practice;

8. recalled the vital role of interim measures in the Convention system, in particular in view of the fact that no derogation is possible from Article 3 which prohibits, in absolute terms, torture and inhuman or degrading treatment or punishment;

9. noted with satisfaction the authorities' renewed commitment to ensuring compliance with interim measures indicated by the Court; noted further with interest the recently established mechanism to ensure appropriate practical conditions for the timely application of any future interim measures and, while observing that this mechanism has not yet been tested, invited the authorities to provide information on its application in practice once available;

10. invited also the authorities to provide information on the outcome of their reflections concerning the possible introduction, in the context of the above reform to the 2009 Law on International Legal Assistance in Criminal Matters, of provisions aimed at further strengthening safeguards relating to the application of interim measures indicated by the Court;

11. invited the authorities to keep the Committee informed of any further developments regarding the applicant's individual situation, the adoption of the new legislation, and the domestic practice and to submit updated information by 15 June 2027 at the latest.