

Belgrade, 1 July 2026

ACTION REPORT

PEŠIĆ v. SERBIA

Applications no. 4545/21, Judgment of 13 January 2026, final on 13 April 2026

leading case RADIO BROADCASTING COMPANY B92 AD v. SERBIA

Applications no. 67369/16, Judgment of 5 September 2023, final on 5 December 2023

I CASE DESCRIPTION

1. This case concerns violation of the applicant's, a former politician and long-time political activist, freedom of expression as a result of civil defamation proceedings against her between 2016-2018, for having published an article criticising the actions of a public official on the website of a citizens' association (violation of Article 10).

2. The Court held that journalistic freedom allows for some exaggeration, provocation, or immoderate statements, and that the expressions in question to be opinions and thus value judgments rather than statements of fact. Moreover, the applicant's statements were a part of a broader discourse on matters of public concern and were not intended to simply insult (§§ 54-55).

II INDIVIDUAL MEASURES

3. The 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.

A. The applicant's redress

4. The authorities note that the applicant did not submit a claim for just satisfaction. Accordingly, the Court considered that there was no call to award her any sum on that account.

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

B. Re-examination of the Appeal on Points of Law before the Supreme Court

6. In its judgment, the European Court noted that, following the communication of the application to the Government, the applicant informed the Court that the Constitutional Court, by its decision UŽ-8174/2019 of 8 February 2024, had found that the Supreme Court of Cassation had violated the right of the other defendants to a fair trial by declaring their appeal on points of law inadmissible. Consequently, the Constitutional Court quashed the decision of the Supreme Court of Cassation of 21 March 2019 and instructed the Supreme Court to re-examine the appeal on points of law. The Constitutional Court further clarified that its decision also produced legal effects in respect of the applicant, since she was “in the same legal situation as the appellants”. The European Court observed that, as of the date of delivery of its judgment (25 November 2025), it had not been informed of the outcome of the renewed proceedings before the Supreme Court.

7. Following the judgment of the European Court, the proceedings before the Supreme Court were completed. In compliance with the Constitutional Court's decision and taking into account the findings of the European Court under Article 10 of the Convention, the Supreme Court, by judgment Rev1. 9/2024 of 20 February 2026¹, upheld the appeals on points of law lodged by Ms Vesna Pešić and the co-defendants, quashed the impugned parts of the judgments of the lower courts and dismissed in their entirety

¹ Annex 1 - The Supreme Court's judgment Rev1. 9/2024 of 20 February 2026

the claimant's defamation claim as unfounded. The Supreme Court also awarded the applicant the costs of the domestic proceedings. In its reasoning, the Supreme Court expressly relied on the standards developed by the European Court concerning the balancing of freedom of expression and the protection of reputation, emphasizing that the impugned statements constituted value judgments made in the context of a debate of considerable public interest concerning the Savamala events and that, as a public official and politician, the claimant was required to display a higher degree of tolerance towards criticism. Accordingly, the domestic proceedings were ultimately concluded in favour of the applicant and the consequences of the violation found by the European Court were fully redressed.

8. In view of the above, the Government considers that no further individual measures are required in the present case.

III GENERAL MEASURES

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

A. Convention-compliant case-law

10. The authorities recall that the general measures in similar cases have been taken within the context of the leading case *Radio Broadcasting Company B92 AD*, which are capable of preventing similar violations. The authorities note that the Action report in the leading case *Radio Broadcasting Company B92 AD* [DH-DD\(2024\)437](#) was submitted on 17 April 2024 and that the Committee of Ministers adopted [final resolution CM/ResDH\(2024\)399](#).

11. Although no further Constitutional Court case-law concerning the balancing of the right to freedom of expression and the protection of reputation has been developed since the adoption of the Action Report in the leading case *Radio Broadcasting Company B92 AD*, the present case demonstrates the continued and effective application of the

Convention standards by the ordinary courts. In particular, in its judgment Rev1 9/2024 of 20 February 2026, delivered following the Constitutional Court's decision and the European Court's judgment in the present case, the Supreme Court fully aligned its reasoning with the Court's established Article 10 case-law. The Supreme Court expressly applied the relevant Convention criteria governing the balancing exercise between Articles 8 and 10. This judgment confirms that the Convention standards are not only well established in the domestic legal order but continue to be consistently applied by the highest judicial instance in freedom of expression cases.

B. Training and awareness raising measures

12. In order to improve the application of Article 10 of the European Convention on Human Rights, the Judicial Academy of the Republic of Serbia has implemented several training programmes aimed at strengthening judicial awareness of the guarantees of the freedom of expression.

13. Between 2016 and 2022, the Academy successfully implemented the JUFREX project in collaboration with the Council of Europe. This initiative provided specialized training for judges, public prosecutors, and police officers, addressing the freedom of expression, specifically the protection and safety of journalists. With this regard, in 2020 the Academy developed a dedicated distance learning course focused on the subject. In 2021, a three-day "Training of Trainers" session was conducted for 35 participants. Four specialized two-day online workshops were held for 59 judges and prosecutors throughout the year. A two-day training seminar was organized for 25 police officers in Belgrade.

14. The Academy prepared a HELP course on freedom of expression. Educational publications on these topics were prepared and distributed to courts and prosecutor's offices across the country. In 2022, a two-day training sessions were held in Vrdnik and Arandelovac for 37 judges and prosecutors. Three two-day sessions for 78 police officers were conducted in Belgrade and Kopaonik. Two HELP courses were finalized for 23 participants, covering freedom of expression.

15. Moving forward, the Judicial Academy is transitioning to the PRO-FREX project in partnership with the Council of Europe. A primary objective of this new phase is to equip the Serbian judiciary with the tools necessary to identify and effectively handle Strategic Lawsuits Against Public Participation (SLAPP). Building on the success and international praise received for previous programs, the Academy will continue to train judges who can then disseminate these standards to their peers. All future reporting and educational activities will remain strictly aligned with Council of Europe Recommendation CM-REC (2024)².

C. Publication and dissemination measures

16. In 2026, 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.

17. 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.

18. The above-mentioned measures ensured the awareness of the Court's findings and the need to comply with the Convention requirements in similar cases.

IV JUST SATISFACTION

19. The authorities note that the applicant did not submit a claim for just satisfaction. Accordingly, the Court considered that there was no call to award her any sum on that account.

V CONCLUSIONS

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

21. The authorities furthermore consider the general measures taken within the context of the leading case *Radio Broadcasting Company B92 AD*, as well as trainings and other awareness raising measures taken continually afterwards, are capable of preventing similar violations.

22. 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 *Pešić*.