



EUROPEAN COURT OF HUMAN RIGHTS  
COUR EUROPÉENNE DES DROITS DE L'HOMME

## SECOND SECTION

### DECISION

Application no. 9864/15  
Radina SAVKOVIĆ and Miroljub SAVKOVIĆ  
against Serbia

The European Court of Human Rights (Second Section), sitting on 7 September 2021 as a Committee composed of:

Aleš Pejchal, *President*,

Branko Lubarda,

Pauliine Koskelo, *judges*,

and Hasan Bakırcı, *Deputy Section Registrar*,

Having regard to the above application lodged on 9 February 2015,

Having regard to the observations submitted by the respondent Government, the applicants having failed to submit their own observations in reply,

Having deliberated, decides as follows:

### THE FACTS

1. The applicants, Ms Radina Savković (the first applicant) and Mr Miroljub Savković (the second applicant), are Serbian nationals, who were born in 1965 and 1954 respectively and live in Kragujevac.

2. The first applicant did not authorise a lawyer to represent her before the Court while the second applicant was represented by Ms N. Radević, a lawyer practising in Kragujevac.

3. The Serbian Government were represented by their Agent, Ms Z. Jadrijević Mladar.

4. The applicants complained about the alleged death of their new born child in a State-run hospital in 1992 and maintained that the child could in fact still be alive, having been given up for adoption unlawfully. In this connection, the applicants claimed that they were entitled to know the truth about their child's fate. They further complained that they had had no effective domestic remedy in respect of their grievances.

## THE LAW

5. The Court, being the master of the characterisation to be given in law to the facts of any case before it (see, among many other authorities, *Radomilja and Others v. Croatia* [GC], nos. 37685/10 and 22768/12, §§ 114 and 126, 20 March 2018), considers that the above complaints fall to be examined under Article 8 and Article 13 read in conjunction with Article 8 of the Convention (see *Zorica Jovanović v. Serbia*, no. 21794/08, §§ 43 and 78, ECHR 2013, and *Mik and Jovanović v. Serbia* (dec.), nos. 9291/14 and 63798/14, 23 March 2021).

6. In *Mik and Jovanović*, while addressing the same issues as the ones raised by the applicants in the present case, the Court most recently held that due to new domestic legal developments it was no longer justified to continue with the examination of the case within the meaning of Article 37 § 1 (c) of the Convention. It also found no particular reasons regarding respect for human rights as defined in the Convention which would have required its continued examination of the case under Article 37 § 1 *in fine*. Accordingly, the applications in question were struck out of the Court's list of cases (see §§ 43-52 of the cited decision).

7. The Court finds no reason to depart from its conclusions in the aforementioned case and thus strikes out the application in the present case on the same basis.

8. This is, however, without prejudice to the Court's power to restore, pursuant to Article 37 § 2 of the Convention, the present or any other similar applications to its list of cases if the relevant circumstances, including any subsequent developments or indeed a lack thereof, justify such a course of action (see *Mik and Jovanović*, cited above, § 53).

9. In view of the above, it is lastly not necessary for the Court to examine separately any of a number of inadmissibility objections raised by the Government in the present case (*ibid.*, § 54).

For these reasons, the Court, unanimously,

*Decides* to strike the application out of its list of cases.

Done in English and notified in writing on 30 September 2021.

Hasan Bakirci  
Deputy Registrar

Aleš Pejchal  
President