

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

FOURTH SECTION

CASE OF MITIĆ v. SERBIA

(Application no. 59711/21)

JUDGMENT

STRASBOURG

24 October 2024

This judgment is final but it may be subject to editorial revision.



In the case of Mitić v. Serbia,

The European Court of Human Rights (Fourth Section), sitting as a Committee composed of:

Anne Louise Bormann*, President*,
Sebastian Răduleţu,
Mateja Đurović*, judges*,

and Viktoriya Maradudina, *Acting Deputy Section Registrar,*

Having deliberated in private on 3 October 2024,

Delivers the following judgment, which was adopted on that date:

PROCEDURE

1. The case originated in an application against Serbia lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") on 25 November 2021.

2. The applicant was represented by Mr M. Stefanović, a lawyer practising in Belgrade.

3. The Serbian Government ("the Government") were given notice of the application.

THE FACTS

4. The applicant's details and information relevant to the application are set out in the appended table.

5. The applicant complained of the excessive length of criminal proceedings.

THE LAW

I. ALLEGED VIOLATION OF ARTICLE 6 § 1 OF THE CONVENTION

6. The applicant complained that the length of the criminal proceedings in question had been incompatible with the "reasonable time" requirement. He relied on Article 6 § 1 of the Convention.

7. The Court reiterates that the reasonableness of the length of proceedings must be assessed in the light of the circumstances of the case and with reference to the following criteria: the complexity of the case, the conduct of the applicant and the relevant authorities and what was at stake for the applicant in the dispute (see, among many other authorities, *Pélissier and Sassi v. France* [GC], no. 25444/94, § 67, ECHR 1999-II, and *Frydlender v. France* [GC], no. 30979/96, § 43, ECHR 2000-VII).

8. In the leading cases of *Kalashnikov v. Russia,* no. 47095/99, §§ 122-35, ECHR 2002-VI and *Jovanović v. Serbia* [Committee], no. 29763/07,

28 March 2017, the Court already found a violation in respect of issues similar to those in the present case.

9. Having examined all the material submitted to it, the Court has not found any fact or argument capable of justifying the overall length of the proceedings at the national level. The Court can accept that some delays in the procedure can be explained by the fact that the domestic authorities had to deal with a very complex case which involved a number of defendants and voluminous evidence. The proceedings under consideration in the present case concerned charges of organised crime which inevitably made the task of trying the accused considerably more difficult than in an ordinary criminal case (see *Horych v. Poland*, no. 13621/08, § 115, 17 April 2012). However, these facts by themselves cannot justify the overall length of the proceedings of almost twelve years (see, for example, *Süveges v. Hungary*, no. 50255/12, §§ 122-28, 5 January 2016). Having regard to its case-law on the subject, the Court considers that in the instant case the length of the proceedings was excessive and failed to meet the "reasonable time" requirement.

10. These complaints are therefore admissible and disclose a breach of Article 6 § 1 of the Convention.

II. APPLICATION OF ARTICLE 41 OF THE CONVENTION

11. Regard being had to the documents in its possession and to its case-law (see, in particular, *Kalashnikov,* cited above, §§ 140-43), the Court finds it reasonable to award the sums indicated in the appended table.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Declares* the application admissible;

2. *Holds* that this application discloses a breach of Article 6 § 1 of the Convention concerning the excessive length of criminal proceedings;

3. *Holds*
   (a) that the respondent State is to pay the applicant, within three months, the amounts indicated in the appended table, to be converted into the currency of the respondent State, at the rate applicable at the date of settlement;
   (b) that from the expiry of the above-mentioned three months until settlement simple interest shall be payable on the above amounts at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points.

Done in English, and notified in writing on 24 October 2024, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Viktoriya Maradudina Acting Deputy Registrar	Anne Louise Bormann President

APPENDIX

Application raising complaints under Article 6 § 1 of the Convention (excessive length of criminal proceedings)

Application no. Date of introduction	Applicant's name Year of birth	Start of proceedings	End of proceedings	Total length Levels of jurisdiction	Amount awarded for non-pecuniary damage per applicant (in euros)[1] [2]	Amount awarded for costs and expenses per application (in euros)[3]
59711/21 25/11/2021	**Ljubiša MITIĆ** 1960	11/09/2006	15/06/2018	11 years and 9 months and 5 days 2 levels of jurisdiction	4,200	250

[1] Plus any tax that may be chargeable to the applicant.
[2] Less any amounts which may have already been paid in that regard at the domestic level.
[3] Plus any tax that may be chargeable to the applicant.