

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

THIRD SECTION

CASE OF STAJKOVIĆ v. SERBIA

(Application no. 56944/17)

JUDGMENT

STRASBOURG

27 January 2026

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



In the case of Stajković v. Serbia,

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

Darian Pavli*, President*,
Úna Ní Raifeartaigh,
Mateja Đurović*, judges*,
and Olga Chernishova, *Deputy Section Registrar,*

Having regard to:

the application (no. 56944/17) against the Republic of Serbia lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") on 31 July 2017 by a Serbian national, Mr Vladimir Stajković ("the applicant"), who was born in 1975 and lives in Belgrade, and was represented by Ms Z. Dobričanin-Nikodinović, a lawyer practising in Belgrade;

the decision to give notice of the application to the Serbian Government ("the Government"), represented by their Agent, Ms Z. Jadrijević Mladar,

the parties' observations;

Having deliberated in private on 16 December 2025,

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

SUBJECT MATTER OF THE CASE

1. The applicant complained under Article 5 § 5 of the Convention about the decision of the Constitutional Court not to award him compensation for the breach of his rights guaranteed by Article 5 § 3.

2. On 10 March 2016 the applicant was detained on suspicion of committing extortion. The detention was repeatedly extended on grounds of the risk of the applicant's reoffending. The detention lasted 11 months.

3. On 20 April 2017 the Constitutional Court found a violation of the applicant's rights on account of the length of his pre-trial detention. It reasoned that the competent courts had failed to act with "special diligence" in the conduct of the proceedings against the applicant and had not given relevant and sufficient grounds to justify his continued detention. The Constitutional Court ordered the publishing of its decision, considering it sufficient just satisfaction and awarding no financial compensation to the applicant, notwithstanding the fact that the applicant had requested such an award.

THE COURT'S ASSESSMENT

ALLEGED VIOLATION OF ARTICLE 5 § 5 OF THE CONVENTION

4. Relying on Article 5 § 5 of the Convention, the applicant complained that the domestic courts had failed to award him the compensation to which

he had been entitled as a result of the established violation of Article 5 § 3 of the Convention.

A. Admissibility

5. The Government objected to the admissibility of the application on the ground that the applicant had failed to exhaust all available domestic remedies within the meaning of Article 35 § 3 (a) of the Convention. In particular, the Government argued that, apart from seeking compensation before the Constitutional Court, the applicant could have also lodged a claim for non-pecuniary damages and submitted a request for compensation to the Ministry of Justice.

6. The Court reiterates that where domestic law provides for several parallel remedies in different fields of law, an applicant who has sought to obtain redress for an alleged breach of the Convention through one of these remedies is not necessarily required to use others which have essentially the same objective (see *Jasinskis v. Latvia*, no. 45744/08, § 50, 21 December 2010).

7. Turning to the present case, the Court observes that, in addition to applying to the Constitutional Court, the applicant could have obtained compensation either under the Code of Criminal Procedure or by bringing a civil action. Unlike in *Radonjić and Romić*, where the Court examined only the remedy provided under Article 584 § 1 (1) of the Criminal Procedure Code, applicable to situations in which an unlawfully detained person is subsequently acquitted (see *Radonjić and Romić v. Serbia*, no. 43674/16, § 51, 4 April 2023), the Government in the present case referred to item 4 of the same Article in its alternative formulation. Under that provision, the applicant could have sought compensation when the deprivation of liberty was prolonged due to an error or unlawful conduct by the authority conducting the proceedings, which corresponds to the circumstances of this case. The Court further notes that a civil claim for compensation, conducted in accordance with the general rules of tort law, was also available to the applicant as an additional avenue for obtaining redress. However, the Court observes that the applicant made use of one of the available remedies by lodging a constitutional appeal. The Constitutional Court is also required to determine a complainant's claim for pecuniary and non-pecuniary damages, where such a claim has been submitted. Therefore, the applicant was not obliged to pursue any additional legal remedies.

8. The Court notes that this complaint is not manifestly ill-founded within the meaning of Article 35 § 3 (a) of the Convention or inadmissible on any other grounds. It must therefore be declared admissible.

B. Merits

9. The Government submitted that the Constitutional Court had held that the finding of a violation had constituted sufficient just satisfaction in the circumstances of the case, as the detention had caused no harm warranting compensation. This conclusion had further been explained by the Constitutional Court's finding that the case had concerned a misinterpretation of the legal norm rather than an actual violation of the law, which was why no monetary compensation had been awarded.

10. Taking into the recent judgment of *Radonjić and Romić* (cited above, § 49) which emphasises that compensation for non-pecuniary damage must be awarded in situations of this nature, the fact that the Constitutional Court chose not to award any compensation leads the Court to conclude that the mere acknowledgment of the alleged breach does not in itself constitute sufficient redress for that violation. Compensation in respect of non-pecuniary damage in an adequate amount would be required to that end (ibid., § 48). Thus, the applicant's enforceable right to compensation, as guaranteed under Article 5 § 5 of the Convention, was violated.

APPLICATION OF ARTICLE 41 OF THE CONVENTION

11. The applicant did not submit a claim for just satisfaction. Accordingly, the Court considers that there is no call to award him any sum on that account.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Declares* the application admissible;

2. *Holds* that there has been a violation of Article 5 § 5 of the Convention.

Done in English, and notified in writing on 27 January 2026, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Olga Chernishova	Darian Pavli
Deputy Registrar	President