

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

THIRD SECTION

CASE OF VESKOVIĆ v. SERBIA

(Application no. 30741/22)

JUDGMENT

STRASBOURG

23 September 2025

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



In the case of Vesković v. Serbia,

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

Darian Pavli*, President*,
Ioannis Ktistakis,
Úna Ní Raifeartaigh*, judges*,
and Olga Chernishova, *Deputy Section Registrar,*

Having regard to:

the application (no. 30741/22) 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 16 June 2022 by a Serbian national, Mr Darko Vesković ("the applicant"), who was born in 1980, lives in Belgrade and was represented by Ms Z. Nikodinović Dobričanin, 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;

the withdrawal of Mr Mateja Đurović, the judge elected in respect of Serbia, from sitting in the case (Rule 28 § 3 of the Rules of Court);

Having deliberated in private on 2 September 2025,

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

SUBJECT MATTER OF THE CASE

1. The application concerns the justification for and length of the applicant's pre-trial detention, as well as the speediness of the review of its lawfulness.

2. Pursuant to an arrest warrant issued by the Serbian authorities, the applicant was arrested in Croatia on suspicion of aggravated murder and the illegal production, possession and distribution of firearms and explosives. On 3 July 2018 he was extradited to Serbia and placed in pre-trial detention. His pre-trial detention was ordered and then extended on numerous occasions based on the risks of his absconding and reoffending. The applicant repeatedly challenged his detention. The Constitutional Court's most recent decision was delivered on 18 January 2024.

3. On 10 June 2024 the High Court in Belgrade held that the applicant's detention was no longer necessary and placed him under house arrest. On 27 November 2024 the first-instance court found the applicant guilty of murder and the illegal production, possession and distribution of firearms and explosives, and sentenced him to fifteen years' imprisonment.

4. At the date of the latest information available to the Court (24 March 2025), the applicant was still under house arrest and the criminal proceedings

against him were still ongoing. He did not appeal against any of the decisions concerning his house arrest.

5. The applicant complained under Article 5 of the Convention about: (a) the length of his pre-trial detention and the allegedly abstract and repetitive reasoning offered by the domestic courts in that respect; and (b) the "speediness" of the detention-related proceedings before the Constitutional Court.

THE COURT'S ASSESSMENT

I. PRELIMINARY REMARKS

6. The Court notes at the outset that on 10 June 2024 the applicant was placed under house arrest (see paragraph 3 above). While house arrest is considered to amount to deprivation of liberty within the meaning of Article 5 of the Convention (see, for example, *Buzadji v. the Republic of Moldova* [GC], no. 23755/07, § 104, 5 July 2016), the Court will deal with the issue of the applicant's detention on remand only, because the applicant did not raise the issue of his house arrest either before the domestic courts (see paragraph 4 above) or before this Court.

II. ALLEGED VIOLATION OF ARTICLE 5 § 3 OF THE CONVENTION

7. The applicant complained about the lack of relevant and sufficient reasons for, and the length of, his pre-trial detention. This complaint falls to be examined under Article 5 § 3 of the Convention.

8. The Court notes that this complaint is neither manifestly ill-founded within the meaning of Article 35 § 3 (a) of the Convention nor inadmissible on any other grounds. It must therefore be declared admissible.

9. The general principles concerning reasons for, and the length of, pre-trial detention have been summarised in *Radonjić and Romić v. Serbia* (no. 43674/16, §§ 61-70, 4 April 2023, with further references).

10. The applicant's pre-trial detention began on 3 July 2018 when he was extradited to Serbia (see *Grujović v. Serbia*, no. 25381/12, § 50, 21 July 2015, with further references) and ended on 10 June 2024, when he was put under house arrest (see paragraphs 3 and 6 above). It thus lasted for five years, eleven months and seven days.

11. In their orders to remand the applicant in custody the judicial authorities initially referred to the persistence of grounds for his detention based on a reasonable suspicion that he had committed the offences with which he had been charged. They also referred to the risk of his absconding owing to the fact that the applicant could not be contacted by the domestic authorities after the critical event and that he had been arrested in a foreign country four months later on the basis of an arrest warrant. Furthermore, they

referred to the risk of his reoffending on account of the gravity of the offences and the manner in which they had been committed, as well as a reasonable suspicion that he had committed them while being on probation for forgery. In order to reflect the developing situation, on 1 March 2024 the first-instance court held that the risk of his reoffending had ceased to exist.

12. The Court considers that the reasons advanced by the domestic authorities were certainly relevant. However, in the specific circumstances of the case, it does not consider it necessary to examine whether they were also sufficient, as in any event the domestic authorities failed to display "special diligence" in the conduct of the criminal proceedings (see *Grujović*, cited above, § 53). The domestic courts have scheduled fifty-six hearings in total, of which thirty-one have been adjourned, mainly for different procedural reasons that were not imputable to the applicant. Moreover, the trial had to start anew five times because the presiding judge and/or the composition of the trial chamber changed. The Government offered an explanation for only one of those changes.

13. The Court cannot accept the Government's argument that the complexity of the case and nature of the criminal charge justified its excessive length. As there were no exceptional circumstances that could justify such lengthy proceedings in the present case (compare and contrast *Luković v. Serbia*, no. 43808/07, §§ 47 and 55, 26 March 2013, and *Chraidi v. Germany*, no. 65655/01, §§ 43-45, ECHR 2006-XII), the Court considers that the applicant's detention which lasted five years, eleven months and seven days was extended beyond a reasonable time (see *Grujović*, cited above, § 54, and *Syngayevskiy v. Russia*, no. 17628/03, §§ 82-85, 27 March 2012).

14. There has accordingly been a violation of Article 5 § 3 of the Convention on account of the length of the applicant's pre-trial detention.

III. REMAINING COMPLAINT

15. The applicant also submitted that the proceedings he had brought before the Constitutional Court with a view to challenging the lawfulness of his detention had not complied with the requirement of "speediness" set out in Article 5 § 4 of the Convention. Having regard to the facts of the case, the submissions of the parties, and its findings above, the Court considers that it has dealt with the main legal questions raised by the case and that there is no need to examine the remaining complaint (see *Centre for Legal Resources on behalf of Valentin Câmpeanu v. Romania* [GC], no. 47848/08, § 156, ECHR 2014, and *Zadeh v. the Czech Republic* [Committee], nos. 35207/17 and 6 others, § 20, 27 June 2024).

APPLICATION OF ARTICLE 41 OF THE CONVENTION

16. The applicant claimed 20,000 euros (EUR) in respect of non-pecuniary damage sustained as a result of the violation of his rights under Article 5 of the Convention. In respect of costs and expenses incurred before domestic courts and before the Court, the applicant claimed EUR 35,450.

17. The Government contested those claims.

18. Given the nature of the violation found and making its assessment on an equitable basis, as required by Article 41 of the Convention, the Court awards the applicant the amount of EUR 3,000 in respect of non-pecuniary damage, plus any tax that may be chargeable.

19. According to the Court's case-law, an applicant is entitled to the reimbursement of costs and expenses only in so far as it has been shown that these were actually and necessarily incurred and were also reasonable to their quantum. That is, the applicant must have paid them or be bound to pay them pursuant to a legal or contractual obligation, and they must have been unavoidable in order to prevent the violation found or to obtain redress (see, among other authorities, *Đurić v. Serbia*, no. 24989/17, § 95, 6 February 2024, with further references). In the present case, regard being had to the documents in its possession and the above criteria, the Court considers it reasonable to award to the applicant EUR 4,070 for the proceedings before the domestic courts and the Court, plus any tax that may be chargeable to the applicant.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Declares* the complaint concerning the length of pre-trial detention admissible;

2. *Holds* that there has been a violation of Article 5 § 3 of the Convention on account of the length of the applicant's pre-trial detention;

3. *Holds* that there is no need to examine the admissibility and merits of the remaining complaint;

4. *Holds*
   (a) that the respondent State is to pay the applicant, within three months, the following amounts, to be converted into the currency of the respondent State at the rate applicable at the date of settlement:
      (i) EUR 3,000 (three thousand euros), plus any tax that may be chargeable, in respect of non-pecuniary damage,
      (ii) EUR 4,070 (four thousand and seventy euros), plus any tax that may be chargeable to the applicant, in respect of costs and expenses;

(b) that from the expiry of the above-mentioned three months until settlement simple interest shall be payable on the above amount at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points;

5. *Dismisses* the remainder of the applicant's claim for just satisfaction.

Done in English, and notified in writing on 23 September 2025, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Olga Chernishova	Darian Pavli
Deputy Registrar	President