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

THIRD SECTION

DECISION

Application no. 38287/21
Kristina ĆEBIĆ
against Serbia

The European Court of Human Rights (Third Section), sitting on 17 June 2025 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. 38287/21) 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 19 July 2021 by a Serbian national, Ms Kristina Ćebić ("the applicant"), who was born in 1988, lives in Loznica and was represented by Mr S. Filipović, a lawyer practising in Loznica;

the decision to give notice of the complaint concerning the applicant's right to a fair hearing in the context of rectification proceedings for an alleged error in a judgment to the Serbian Government ("the Government"), represented by their Agent, Ms Z. Jadrijević Mladar, and to declare the remainder of the application inadmissible;

the parties' observations;

the fact that by a letter dated 9 February 2024, the applicant's representative notified the Court that the applicant had changed her surname from Ćebić to Vidaković. The Court will proceed with the examination of the application under the case name of *Ćebić v. Serbia*. This corresponds to the applicant's name as referred to in the domestic court proceedings in issue as well as in her application lodged with the Court;

Having deliberated, decides as follows:

SUBJECT MATTER OF THE CASE

1. The application concerns the applicant's right to a fair hearing in the context of rectification proceedings.

2. On 31 March 1998 the applicant instituted civil proceedings in Serbia against her father for unjust enrichment, as he had failed to hand over to her the child benefits he had allegedly been receiving in Switzerland, where he used to live. In her claim, the applicant asked the domestic courts to oblige her father to hand over to her *"*the total amount of 1,200 Swiss francs (CHF) on account of the child benefits he had received from 1 October 1989 to 31 March 1998, that is the amount of CHF 100 per month".

3. On 12 June 2000 the Loznica first-instance court delivered a judgment allowing her claim. The court ordered that the defendant pay CHF 1,200 to the applicant. The parties did not appeal and the judgment became final on 20 February 2001.

4. On 8 March 2004 the applicant lodged a request for a rectification of an error in the above-mentioned judgment, alleging that the data contained in her claim clearly indicated the sum of CHF 10,200 instead of CHF 1,200. On 19 October 2004 the Loznica first-instance court dismissed the applicant's request as unfounded. That decision was upheld by the Šabac High Court on 30 March 2017. The domestic courts found, *inter alia,* that according to the rules of civil procedure they could only correct obvious errors in names, figures and other spelling errors and that it was the applicant who had specified the sum of CHF 1,200 in her claim. On 27 October 2020 the Constitutional Court dismissed a constitutional appeal lodged by the applicant. That decision was served on the applicant on 27 January 2021.

5. The applicant complained under Article 6 § 1 of the Convention that the domestic courts, by dismissing her request for a rectification of an error in the judgment of 12 June 2000, had breached her right to a fair trial.

THE COURT'S ASSESSMENT

6. The Government submitted that Article 6 was not applicable to proceedings for a rectification of a judgment. They provided extracts from six decisions delivered by various second-instance courts between 2006 and 2014. In those decisions the courts had held that only errors made by a court could be corrected, not those made by the parties, and that a rectification request could not be used to change a court's decision or to decide on a claim that had not been previously adjudicated.

7. The applicant contested the Government's submissions and maintained that the courts had been obliged to correct obvious errors committed not only by the court but also by the parties. She submitted that, by dismissing her request for a rectification of a final judgment, the State had violated her right to a fair hearing.

8. The Court notes from the outset that, in accordance with the generally accepted principles of international law, a Contracting Party is only bound by the Convention in respect of events occurring after its entry into force (see, for example, *Salontaji-Drobnjak v. Serbia*, no. 36500/05, § 110, 13 October 2009). It also notes that the Convention entered into force in respect of Serbia on 3 March 2004 and that some of the events referred to in the application in the present case took place before that date. Accordingly, the Court has to satisfy itself that it has jurisdiction *ratione temporis* to examine the applicant's complaint (see *Blečić v. Croatia* [GC], no. 59532/00, § 67, ECHR 2006-III).

9. The Court reiterates that its temporal jurisdiction is to be determined in relation to the facts constitutive of the alleged interference. The subsequent failure of remedies aimed at redressing that interference cannot bring it within the Court's temporal jurisdiction (ibid., § 77).

10. Turning to the present case, the Court observes that the Loznica first-instance court delivered a judgment in the applicant's case on 12 June 2000. As no appeal was submitted by the applicant, it became final, that is *res judicata*, on 20 February 2001 (see paragraph 3 above). It follows that the alleged interference with the applicant's right lies in the Loznica first-instance court's judgment of 12 June 2000, as it was at that moment – neither before nor afterwards – that the first-instance court determined the amount of the award to be paid to the applicant (compare, *Blečić*, cited above, § 84).

11. The applicant's subsequent unsuccessful attempt to have the judgment of 12 June 2000 rectified cannot bring those proceedings within the Court's temporal jurisdiction. The decision of the Loznica first-instance court of 19 October 2004, as upheld by the Šabac High Court and the Constitutional Court on 30 March 2017 and 27 October 2020 respectively, to dismiss the applicant's request for a rectification, only resulted in allowing the interference allegedly caused by the judgment of 12 June 2000 to subsist. In any event, the Court considers that the proceedings for a rectification requested by the applicant could only result in a correction of a clerical error made by the court. They were not a legal remedy that could lead to a different outcome in respect of the applicant's initial claim.

12. Having regard to the date of the Loznica first-instance court's judgment, which became final on 20 February 2001, the Court finds that the alleged interference falls outside its temporal jurisdiction (see, *mutatis mutandis*, *Blečić*, cited above, § 85).

13. Accordingly, this complaint is incompatible *ratione temporis* with the provisions of the Convention within the meaning of Article 35 § 3 and must be rejected pursuant to Article 35 § 4.

For these reasons, the Court, unanimously,

Declares the application inadmissible.

Done in English and notified in writing on 10 July 2025.

Olga Chernishova Deputy Registrar	Darian Pavli President