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

# THIRD SECTION

# DECISION

Application no. 25105/24
Aca ĐORĐEVIĆ
against Serbia

The European Court of Human Rights (Third Section), sitting on 28 January 2025 as a Committee composed of:

Peeter Roosma*, President*,
Diana Kovatcheva,
Mateja Đurović*, judges*,
and Olga Chernishova, *Deputy Section Registrar,*

Having regard to:

the application (no. 25105/24) 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 28 August 2024 by a Serbian national, Mr Aca Đorđević, who was born in 1955 and is detained in Požarevac-Zabela Prison ("the applicant");

Having deliberated, decides as follows:

## SUBJECT MATTER OF THE CASE

The applicant has been serving a prison sentence for murder of his wife and her parents since 2004. His request for transfer to a prison located in his hometown was rejected because he did not fulfil statutory criteria. He did not appeal against that decision. Instead, he lodged a civil action for discrimination against the prison authorities. The applicant complains under Article 6 of the Convention about the length of those civil proceedings, which lasted from January 2018 until February 2023.

## THE COURT'S ASSESSMENT

Following the applicant's complaint about the length of proceedings under the Right to a Trial within a Reasonable Time Act (*Zakon o zaštiti prava na suđenje u razumnom roku*, published in Official Gazette no. 40/2015), on

2 February 2021 the Belgrade High Court found that the length of the proceedings up to that date (three years at one instance) was not excessive, given, notably, difficult communication with the applicant. That decision was upheld by the Belgrade Court of Appeal and the Constitutional Court on 26 April 2021 and 14 May 2024, respectively. The Court sees no reason to disagree with the findings of the domestic courts (see, among many other authorities, *Frydlender v. France* [GC], no. 30979/96, § 43, ECHR 2000-VII; and as further examples, *L.Z. v. Slovakia* (dec.), no. 27753/06, 27 September 2011, and *Lyszczyna v. Germany* (dec.), no. 34863/04, 4 January 2008). It follows that the application is manifestly ill-founded within the meaning of Article 35 § 3 of the Convention in respect of the period covered by the Belgrade High Court decision.

As to the subsequent period, the Court considers that the applicant should have again sought redress at the domestic level by lodging a new complaint about the length of proceedings (see *Becová v. Slovakia* (dec.), no. 23788/06, 18 September 2007). It follows that the application is inadmissible for non-exhaustion of domestic remedies in accordance with Article 35 § 1 of the Convention in respect of the period after the Belgrade High Court decision.

Therefore, the application must be rejected in accordance with Article 35 § 4 of the Convention.

For these reasons, the Court, unanimously,

*Declares* the application inadmissible.

Done in English and notified in writing on 27 February 2025.

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| Olga Chernishova<br>Deputy Registrar | Peeter Roosma<br>President |