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

FIFTH SECTION

DECISION

Application no. 35477/21
Nenad KRSTIĆ and Milos MITIC against Serbia
and 4 other applications
(see list appended)

The European Court of Human Rights (Fifth Section), sitting on 11 December 2025 as a Committee composed of:

María Elósegui, *President*,
Gilberto Felici,
Diana Sârcu*, judges*,
and Sophie Piquet, *Acting Deputy Section Registrar*,

Having regard to:

the applications 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") by the applicants listed in the appended table ("the applicants"), on the various dates indicated therein;

the decision to give notice of the complaints under Articles 3, 8 and 13 of the Convention in connection with the applicants' pending extradition to the United States of America to the Serbian Government ("the Government"), represented by their Agent, Ms Z. Jadrijević Mladar, and to declare inadmissible the remainder of the applications indicated in the appended table;

the decision to give priority (Rule 41 of the Rules of Court) to the applications and the decision to indicate an interim measure to the respondent Government under Rule 39 of the Rules of Court, which was subsequently lifted as set out in the appended table;

the decision by the Government of Montenegro not to exercise their right to intervene in the proceedings (Article 36 § 1 of the Convention), as regards application no. 36634/21;

the parties' observations;

Having deliberated, decides as follows:

SUBJECT MATTER OF THE CASE

1. On 24 July 2020 the Ministry of the Interior of Serbia arrested the applicants pending their extradition to the United States of America requested by the United States District Court in the Northern District of Texas where the applicants had been indicted on the charges of conspiracy to commit wire fraud and money laundering, allegedly defrauding investors of more than 70 million United States dollars.

2. On 13 April 2021 the Belgrade High Court authorised the applicants' extradition to the United States of America, finding that the extradition request was in full compliance with applicable legislation. The applicants appealed, arguing, *inter alia*, that the request for extradition had not been supported by sufficient evidence and that the court had failed to establish the relevant facts and apply the substantive law correctly. They also contended that the request for extradition did not comply with the statutory requirements in respect of its form and content and that it should not have been transmitted to the Serbian Government by email. Lastly, some of the applicants complained that their extradition would have a negative impact on their relationships with their children.

3. On 25 June 2021 the Court of Appeal upheld the decision of 13 April 2021 on appeal, dismissing the applicants' arguments as unsubstantiated and/or irrelevant.

4. On 24 July 2021 the High Court ordered the applicants' release upon expiration of the statutory maximum period of detention pending extradition. The applicants signed an undertaking not to leave their place of residence.

5. According to the Government, the Ministry of Justice has not yet delivered a decision authorising the applicants' extradition to the United States of America, pending the proceedings before the Court.

6. On an unspecified date the applicants lodged a constitutional appeal against the decisions of 13 April and 25 June 2021. They also sought to challenge the constitutionality of the Law on the ratification of the extradition treaty between the Republic of Serbia and the United States of America. The proceedings are still pending.

7. According to the Government, three of the applicants' alleged co-conspirators entered into a plea-bargain agreement with the US Government. They pleaded guilty in exchange for a prison sentence not exceeding five to seven years.

8. The applicants complained that, if extradited to the United States of America, they might be sentenced to forty years' imprisonment which would amount to a *de facto* life sentence. All of them, except for Mr Radulović, alleged that they would be detained in inhumane conditions, particularly in view of the deplorable COVID-19 situation in Texas. The applicants also argued that their extradition would result in indefinite family separation.

Lastly, they complained of the lack of an effective remedy in respect of their complaints. They relied on Articles 3, 8 and 13 of the Convention.

THE COURT'S ASSESSMENT

9. Having regard to the similar subject matter of the applications, the Court finds it appropriate to examine them jointly in a single decision.

10. As to the applicants' complaint under Article 3 of the Convention about the risk of an imposition of a *de facto* life sentence, the Court reiterates that the Convention does not prohibit the imposition of a life sentence on those convicted of especially serious crimes. However, to be compatible with Article 3, such a sentence must be reducible *de jure* and *de facto* (see *Sanchez-Sanchez v. the United Kingdom* [GC], no. 22854/20, § 79, 3 November 2022, with further references). It further reiterates that an applicant who alleges that his or her extradition would expose him or her to a risk of a sentence that would constitute inhuman or degrading punishment bears the burden of proving the reality of that risk (see, among, other authorities, *McCallum v. Italy* (dec.) [GC], no. 20863/21, § 55, 21 September 2022). Having examined all the material submitted to it, the Court notes that at no point have the applicants claimed that they will receive an irreducible life sentence, that is life imprisonment without eligibility for parole, in the event of their conviction on the charges now pending against them in Texas. Nor have they referred to the Texan laws or practice applicable in their case that would support their allegations that the penalty in the event of their conviction might amount to inhuman or degrading treatment. The Court also notes that the sentence imposed on the applicants' co-conspirators, convicted on similar charges, did not exceed five to seven years (see paragraph 7 above).

11. Regard being had to the above, the Court considers that the applicants have not discharged their burden of proof. It is therefore unable to establish that their extradition will expose them to a risk of a sentence that would constitute inhuman or degrading punishment proscribed by Article 3 of the Convention.

12. Likewise, the Court does not consider that, contrary to the applicants' allegations, they would be at real risk of exposure to COVID-19 in the US prison in contravention of Article 3 of the Convention. It has already established, regard being had to the developments since 2020, in particular the availability of vaccinations, the variants of the virus and the lifting of restrictions in the United States of America, that there is no risk under this head capable of reaching the minimum level of severity required (see *Hafeez v. the United Kingdom* (dec.), no. 14198/20, 28 March 2023).

13. In the light of the foregoing, the Court considers that the applicants' complaints under Article 3 of the Convention must be rejected as manifestly ill-founded, in accordance with Article 35 § 3 and 4 of the Convention.

14. The Court has also examined the remaining complaints raised by the applicants under Articles 8 and 13 of the Convention. It considers that, in the light of all the material in its possession and in so far as the matters complained of are within its competence, these complaints either do not meet the admissibility criteria set out in Articles 34 and 35 of the Convention or do not disclose any appearance of a violation of the rights and freedoms enshrined in the Convention or the Protocols thereto. It follows that this part of the application must be rejected in accordance with Article 35 § 4 of the Convention.

For these reasons, the Court, unanimously,

Decides to join the applications;

Declares the applications inadmissible.

Done in English and notified in writing on 22 January 2026.

Sophie Piquet Acting Deputy Registrar	María Elósegui President

APPENDIX

List of cases:

No.	Application no. Case name Introduction date	Applicant's name Year of birth Place of residence Nationality	Representative's name Location	Rule 39 request
1.	35477/21 *Krstić and Mitić v. Serbia* 13/07/2021	**Nenad KRSTIĆ** 1992 Niš Serbian **Miloš MITIĆ** 1984 Niš Serbian	Ljubomir IVANOVIĆ Beograd	On 13, 15 and 21 July 2021, the Court (the duty judge) decided, in the interests of the parties and the proper conduct of the proceedings before it, to indicate to the Government of Serbia, under Rule 39, that the applicants should not be extradited to the United States of America until 5 p.m. (French time) on 16 August 2021. On 16 August 2021 the Court (duty judge) decided to extend the interim measures until 29 September 2021. On 29 September 2021 the Court (the duty judge) decided not to extend the interim measure.
2.	35661/21 *Dimitrijević v. Serbia* 13/07/2021	**Nikola DIMITRIJEVIĆ** 1989 Niš Serbian	Dalibor LAZOVIĆ Niš	
3.	35672/21 *Selaković v. Serbia* 14/07/2021	**Uroš SELAKOVIĆ** 1988 Niš Serbian	Miloš PETROVIĆ Niš	
4.	35701/21 *Selaković v. Serbia* 15/07/2021	**Andrija SELAKOVIĆ** 1993 Niš Serbian	Miloš PETROVIĆ Niš	
5.	36634/21 *Radulović v. Serbia* 21/07/2021	**Blažo RADULOVIĆ** 1987 Niš Montenegrin	Marko TEŠIĆ Belgrade	