

## Resolution CM/ResDH(2024)318 Execution of the judgment of the European Court of Human Rights Kostić against Serbia

*(Adopted by the Committee of Ministers on 5 December 2024  
at the 1514<sup>th</sup> meeting of the Ministers' Deputies)*

Application No.	Case	Judgment of	Final on
41760/04	KOSTIĆ	25/11/2008	25/02/2009

The Committee of Ministers, under the terms of Article 46, paragraph 2, of the Convention for the Protection of Human Rights and Fundamental Freedoms, which provides that the Committee supervises the execution of final judgments of the European Court of Human Rights (hereinafter “the Convention” and “the Court”);

Having regard to the final judgment transmitted by the Court to the Committee in this case and to the violation established on account of the non-enforcement of an administrative demolition order concerning an unauthorised construction;

Recalling the respondent State’s obligation, under Article 46, paragraph 1, of the Convention, to abide by all final judgments in cases to which it has been a party and that this obligation entails, over and above the payment of any sums awarded by the Court, the adoption by the authorities of the respondent State, where required:

- of individual measures to put an end to violations established and erase their consequences so as to achieve as far as possible *restitutio in integrum*; and
- of general measures preventing similar violations;

Having invited the government of the respondent State to inform the Committee of the measures taken to comply with the above-mentioned obligation;

Having examined the action plan provided by the government, indicating the measures adopted to give effect to the judgment including the information provided regarding the payment of the just satisfaction awarded by the Court (see document DH-DD(2024)1098);

Having noted that further to the finalisation of the legalisation proceedings concerning the construction in question, the applicant did not request the enforcement of the demolition order as required by domestic law;

Recalling the decision adopted at the 1483<sup>rd</sup> meeting (December 2023) (DH) to close the examination of general measures required in this case, noting with satisfaction the measures aimed at ensuring swift enforcement of administrative demolition orders, in particular the introduction of an effective legal remedy in 2014 and the changes in the relevant legislation in 2018 concerning legalisation procedures;

Having satisfied itself that all the measures required by Article 46, paragraph 1, have been adopted,

DECLARES that it has exercised its functions under Article 46, paragraph 2, of the Convention in this case and

DECIDES to close the examination thereof.