**Republic of Serbia**
**BASIC COURT IN PANČEVO**
21.P. 1007/2024
24.03.2025
**Pančevo**

**IN THE NAME OF THE PEOPLE**

The Basic Court in Pančevo, Judge Vanja Tomić, in the legal matter of the plaintiff Karišik Zoran from Vladimirovac, Gojka Stričevića Street no. 10, JMBG: 1409953860065, represented by attorneys Dr. Aleksić Srđan, lawyer from Niš, Sinđelićev Square no. 4/11 and Tagalia Fiore Angelo, lawyer from Niš, Orlovića Pavla Street no. 18, against the defendant Republic of Serbia, represented by the State Attorney's Office, Department in Zrenjanin, Pupinova Street no. 1, for violation of personality rights and damages compensation, the value of the dispute being 30,000.00 dinars, after holding and concluding the main, public and oral hearing, on the date 24.03.2025, renders the following:

**J U D G M E N T**

Rejects the motion of the defendant to suspend this proceeding until the final conclusion of the case conducted before the Basic Court in Niš under number P.br. 425/23.

Rejects the objection of lack of territorial jurisdiction of the Basic Court in Pančevo raised by the defendant in this litigation as unfounded.

THE CLAIM of the plaintiff Karišik Zoran from Vladimirovac is UPHELD, establishing that the defendant Republic of Serbia, due to failure to undertake preventive protection measures and measures for removal and mitigation of the harmful effects of depleted uranium, violated the plaintiff's right to life under Article 24 of the Constitution of the Republic of Serbia.

THE CLAIM of the plaintiff is UPHELD, establishing that the defendant Republic of Serbia, due to failure to undertake preventive protection measures and measures for removal and mitigation of the harmful effects of depleted uranium, violated the plaintiff's right to a healthy environment under Article 74 of the Constitution of the Republic of Serbia.

The defendant Republic of Serbia is ORDERED to pay the plaintiff Karišik Zoran from Vladimirovac, as compensation for non-material damages, the amount of 30,000.00 dinars with statutory interest starting from the day the judgment becomes final until full payment, within 8 days from the delivery of the judgment transcript, under threat of enforcement.

The claim of the plaintiff Karišik Zoran from Vladimirovac to be exempted from paying the litigation costs is rejected as unfounded.

**IT IS ORDERED** that the defendant reimburse the plaintiff for the litigation costs in the amount of 106,900.00 dinars with statutory default interest starting from the date the judgment becomes

final until full payment, all within 8 days from the delivery of the judgment transcript, under threat of enforcement.

**R e a s o n i n g**

On 29.05.2024, the plaintiff filed a lawsuit before this court through his proxy against the defendant, for violation of personality rights and compensation for damages. In the lawsuit, it was stated that natural uranium and depleted uranium are radioactive and toxic elements, with the indication that the toxicity of depleted uranium is reduced by about 40% compared to natural uranium, that natural and depleted uranium behave similarly, and that their chemical toxicity is the same, and that during the explosion of projectiles with DU, depleted uranium reaches the surface and turns into toxic uranium oxide, which in the form of aerosol can spread up to 40 km, that the projectiles often contain highly radioactive plutonium, and that inhalation of the released particles and their entry into the organism through air, water, food, and skin leads to multiple health consequences and the development of malignant diseases. It was stated that after 1999, the year of NATO aggression against the Federal Republic of Yugoslavia, the use of depleted uranium munitions led to illnesses and death from cancer among Italian soldiers who were part of peacekeeping contingents participating in actions in contaminated areas in the Balkans, and that all research in the Republic of Serbia shows that the number of patients and deaths is constantly increasing due to depleted uranium, the release of carcinogenic and toxic materials, destruction of infrastructure, with particular disturbance of general living conditions and the environment, which inevitably leads to deterioration of the health status of the population in bombed areas, and that twenty-three years after the NATO aggression, the Republic of Serbia is facing a continuous increase in newly diagnosed malignant diseases, because the bombing of the Federal Republic of Yugoslavia in 1999 by NATO forces grossly violated international law and fundamental human rights, as the war was waged on the territory of the Federal Republic of Yugoslavia with weapons that, due to their effects, fall into chemical and radiological warfare, that NATO's use of depleted uranium munitions contributed to the occurrence of radiological effects, that NATO carried out over 25,000 attacks by combat aircraft, thereby killing civilians, destroying facilities whose destruction caused pollution of the environment, and that it was an aggression without the declaration of a state of war. It was stated that the war left direct consequences on the plaintiff as a soldier of the armed forces of the FR Yugoslavia, who was stationed in Pančevo when Petrohemija and Rafinerija were bombed, and that he was under the effect of depleted uranium, which led to the plaintiff developing lung carcinoma, although he was previously a healthy person, and that this diagnosis is the most common among Italian soldiers, citing judgments of the State Council, as the highest body of Italian administrative judiciary, decisions of the Regional Administrative Court in Umbria and Lazio – Rome, and the Regional Administrative Court in Catania, and that the correlation between the appearance of tumor pathology and exposure to depleted uranium particles has long been the hypothesis of various scientific forums, both national and international, and that the plaintiff, after the consequences in the form of malignant disease, suffered severe mental anguish and that rights to legal protection from the defendant and the right to life and a healthy environment were violated, for which the defendant is responsible, referring to the provisions of Articles 16, 24, 25, and 97 of the Constitution of the Republic of Serbia, as well as the Convention on Human Rights, decisions of the European Court of Human Rights and the known case of the African Commission on Human and Peoples' Rights.

It was pointed out that the defendant did not undertake any activity to legally protect the lives of persons who were directly exposed to the harmful effects of depleted uranium and other carcinogenic materials during the war, that the defendant neither during nor after the war carried out decontamination of locations bombed by said projectiles, pointing out to studies conducted by organs of the Italian Ministry of Defense, and that the defendant did not undertake any action to inform the public about the dangers caused by the presence of depleted uranium in the environment and the threat of endangering life and health, although she was obliged to enact legal acts regulating the manner of using said resources in contaminated areas, according to which, in this particular case, the defendant did not undertake practical and effective protection of life, referring to the decisions of the Supreme Court of Cassation of the Republic of Serbia.
Bearing all the above in mind, the plaintiff proposed that the court render a judgment by which he would be exempt from paying the litigation costs, and that based on the conducted evidence the court renders a judgment upholding the plaintiff's claim, determining that the defendant Republic of Serbia failed to undertake preventive protection measures and measures for removal and mitigation of harmful effects of uranium, violating the plaintiff's right to life under Article 24 of the Constitution of the Republic of Serbia, and the right to a healthy environment under Article 74 of the Constitution of the Republic of Serbia, and that the defendant is obliged to pay the plaintiff the amount of 30,000.00 dinars for non-material damages with statutory default interest from the date the judgment becomes final until full payment, and that the defendant is obliged to bear the costs of this proceeding.

In the response to the lawsuit dated 10.06.2024 and supplement dated 10.07.2024, the defendant, through a legal representative, fully contested the lawsuit and the plaintiff's claim both in terms of basis and amount, raised the objection of passive lack of legitimacy on the part of the defendant, the statute of limitations, the objection of local non-jurisdiction, with reference to the immunity of foreign countries, as well as the Ministry of Defense located in Belgrade.
It was pointed out that the plaintiff's allegations in the lawsuit that the defendant knew the content of the UN Security Council decision to cover an action against the Federal Republic of Yugoslavia and that NATO forces used weapons against the FRY, are untrue, and that it is unknown whether munitions with depleted uranium were used in armed conflicts, and that not a single action was taken to protect any individual, and that the aggression mentioned by the plaintiff was not based on a decision of the UN Security Council, but that the aggression against the Federal Republic of Yugoslavia was carried out without the act of the UN Security Council, and therefore represents aggression in 1999.
Regarding the use of munitions with depleted uranium, the defendant argued that the use of such munitions is not prohibited by the rules of international law.
It was stated that the defendant did not directly violate the plaintiff's rights nor did she cause damage, and therefore no causal link exists between the alleged violations of the plaintiff's rights and the defendant, that there is no responsibility of the defendant, that since June 1999, i.e., from the withdrawal of troops and police of the FRY from the territory of AP Kosovo and Metohija under the administrative authority of the United Nations under the UNMIK mission, and that from the findings and opinions of experts submitted with the lawsuit it follows that the plaintiff's disease belongs to the group of malignant neoplasms, for which the cause is not scientifically proven, and that the harmful effects to which the plaintiff claims he was exposed could have been provocative factors for the initiation and development of the disease, but the cause of the disease cannot be established with certainty, and especially not in relation to the events from

over 24 years ago, and that the plaintiff did not prove he was at a location where a regular unit of the FRY armed forces was exposed to radiation from depleted uranium, nor that he was actually present during the bombing of Petrohemija with bombs containing depleted uranium, and that the plaintiff's illness is a direct consequence of exposure to depleted uranium in the period from 19.05.1999 to 15.06.1999. It was emphasized that the plaintiff's claims are vague, that the defendant should have undertaken measures to inform the public about the dangers caused by the presence of depleted uranium in the environment, but it is unknown to what extent such measures could have been taken, and if depleted uranium was indeed used during the 1999 aggression, that such findings lie deep in the soil, land and waters on the territory of the Republic of Serbia, which is disputed, and the plaintiff's claim for non-material damage compensation is imprecise regarding the damage to which it refers. Accordingly, it was proposed that the plaintiff's claim be rejected as unfounded and that the plaintiff be ordered to bear the costs of this proceeding.

At the main hearing held on 22.08.2024, the defendant proposed that the court suspend this proceeding, for reasons of economy, until the final resolution of the case conducted before the Basic Court in Niš under number P.br. 425/23, which proposal the plaintiff, through his proxy at the same hearing, explicitly opposed, requesting that the defendant's motion for suspension of this proceeding be rejected.

The court conducted evidentiary proceedings by reading written findings and opinions of medical experts in pulmonary diseases and tuberculosis, specifically the opinion of court expert prim. dr sudske medicine Janković Goran dated 14.04.2023, as well as the heard expert testimony, reading copies of the plaintiff's military booklet from 21.05.1973, discharge paper from the Military Medical Academy dated 28.03.2016, discharge summaries from hospitalizations for malignant tumors of the lungs and pleura from the Military Medical Academy dated 27.04.2016 and 23.09.2016, report from a specialist doctor of the General Hospital Pančevo dated 28.04.2016, judgment of the Basic Court in Niš P.br. 425/2023 dated 22.09.2023, information from the RS Directorate for Radiation and Nuclear Safety dated 18.06.2024, literature of the Institute for Nuclear Sciences "Vinča" with marked entries under file no. 8/57 and 8/59, confirmation of the Laboratory for Medical Biochemistry "Lab Test" Kragujevac for the plaintiff dated 07.11.2024, consent of the Ministry of Health no. 515-07-01992/2024-21 dated 22.07.2024, examiner's report no. 24-24425.46 dated 28.10.2024, submitted by the plaintiff in Italian language with a Serbian translation by certified court interpreter for Italian language Budimirov Nataša, reading of findings and opinions of the medical law specialist and forensic medical expert prof. Dr. Jovanović Jovan dated 09.12.2024, decision from the case file of the Higher Court in Belgrade K.br. 381/20, as well as the oral statement of the plaintiff as a party in the litigation, which the court, based on all presented evidence, by its own belief, on the conscientious and careful assessment of each piece of evidence individually, and all evidence as a whole and based on the results of the entire proceedings, in accordance with Article 8 of the Civil Procedure Act, established the following factual situation:

**1.**
Plaintiff Karišik Zoran from Vladimirovac was born in 1953. Until 2013, the plaintiff was employed at "Luka Dunav" Pančevo as a warehouse worker in the customs warehouse, after

which he was registered at the employment bureau until 01.12.2014, when he retired. During his working relationship, the plaintiff regularly underwent systematic checkups, which included lung X-rays. On 21.05.1973, the plaintiff was issued a Military Booklet by the competent body of the Socialist Federal Republic of Yugoslavia, in which it is certified that the plaintiff completed military service and was capable of bearing arms and was a participant in war. He held ranks, among others, of corporal, sergeant, second lieutenant and captain.

In March 1999, the then Federal Republic of Yugoslavia was bombed by NATO forces. NATO armed forces used depleted uranium munitions during the attacks on Yugoslavia, as well as cluster bombs, whose radioactivity and uranium toxicity and their by-products, through inhalation of those fine airborne particles, lead to the development of carcinogenic diseases of the internal organs, especially the lungs.

The plaintiff was mobilized in the mentioned war in Alibunar and participated in the war in the period from 29.03.1999 until 25.06.1999, i.e., until the end of military operations. The plaintiff was mobilized as an officer for public relations, i.e., as a reserve lieutenant officer.

During the state of war, he performed duties in Pančevo, Banatsko Novo Selo, and Banatski Karlovac, with the clarification that he occasionally traveled to Pančevo, spending a total of around twenty days in Pančevo.

During the war, on one occasion the plaintiff was given the task by the commander of the army unit to go to Pančevo to pick up the needed plywood for military trucks, since one of the trucks broke down. The company "Luka Dunav," where the plaintiff was employed, had previously handed over its trucks to the army of the then Federal Republic of Yugoslavia for wartime use under the wartime mobilization plan, so the plaintiff contacted the person responsible for maintenance at the aforementioned company, who informed him that the plywood was ready for dispatch.

To transport the plywood by truck, the plaintiff set off as a passenger in the morning hours, around 10:00 AM, heading toward Pančevo, departing from Alibunar. Along the way, the driver pointed out to the plaintiff the consequences of the previous night's NATO bombing of the companies "Rafinerija," "Nafte Pančevo," and HIP "Petrohemija" in Pančevo, which they approached via Banatsko Novo Selo, and on the way to Pančevo they noticed smoke and air haze. As they approached Pančevo, the plaintiff, beside the thick clouds of smoke, noticed a strange smell in the air, and because of the dark clouds, it seemed as though it was still dusk, although it was morning. Sensing that strange smell in the air and the thick smoke, the plaintiff began to cough and had a feeling of tightness. The plaintiff then arrived at the company "Luka Dunav" in Pančevo, where he took delivery of plywood boards that had fallen from the warehouse ceiling. After picking up the needed plywood, the plaintiff went to the Primary School "Jovan Jovanović Zmaj" in Pančevo to collect mail and around 14:30 hours he returned by truck back to Alibunar.

Upon his return to Alibunar to perform his military duty, the plaintiff learned that the bombing had reached the village of Dobrinci, when a military commander brought and showed a part of a

bomb, after which the plaintiff and other commanders were advised to avoid certain locations, indicating the possibility that they were radioactive.

Until the end of military operations and participating in military actions, the plaintiff suspects that he was highly exposed to radioactive substances.

After the war ended, the plaintiff was diagnosed in 2001 with pneumonia, and during 2010, a skin rash appeared in the form of wasp-like bites and tiny blisters on the torso, temples, and head, which according to the attending physician could have been caused by exposure to low radiation. Since 2011, the plaintiff began experiencing chest pain, and considering he was employed again at the warehouse location, where he was exposed to drafts, the health condition in which he found himself, the plaintiff believes he could not endure the conditions in which such drafts occurred.

The plaintiff's health condition subsequently worsened, he began having problems with his spleen, and during 2013 he was diagnosed with glaucoma in the eye. In 2016, the plaintiff was diagnosed with lung carcinoma. He was referred for lung carcinoma when he was examined by a doctor because of a temperature he had, and upon examination of the left lung, it was found that he had a dense shadow of suspicious nature. Due to the deterioration of his health, the plaintiff on 24.03.2016 was scheduled for surgery, during which 200 grams of lung tissue were removed. Upon discharge from the Military Medical Academy, the plaintiff was released on 28.03.2016 from hospital care in stable general condition, with a recommendation to attend follow-up examinations with a thoracic surgeon, and by the final decision of the Commission for malignant tumors, lungs and pulmonary membranes of the Military Medical Academy on 23.09.2016, it was indicated that the plaintiff still had the disease. After the surgery, the plaintiff was prescribed chemotherapy, which he received in 4 cycles, and follow-up examinations were scheduled every three months, and later every six months. At one of the follow-up examinations, the doctor found soot or tar in the lungs.

The plaintiff continued with follow-up examinations after the lung carcinoma surgery until 2021, when it was determined that he no longer had the burden of carrying loads and attending gatherings where respiratory protection was used. After the bombing, the plaintiff had no health issues.

The plaintiff claims that his mother died of a tumor in the kidneys, which had metastasized to the head, in 1986–1987, and that he had no hereditary predisposition. The plaintiff also states that he was in contact with an Italian soldier who, during the war in 1999, served in the territory of the then Federal Republic of Yugoslavia and later died from a lung tumor.

The cause of the specific disease the plaintiff developed is the presence of high reference values of chemical toxic metals in the body, and especially depleted uranium which, when isolated, led to concentrations in which its presence in the plaintiff’s body caused the development of the disease. The plaintiff claims that he inhaled particles of depleted uranium during his participation in military operations during NATO bombing.

**2.**
During participation in military operations during the 1999 bombings, the plaintiff was not issued any protective equipment, nor was he instructed on how to behave in the specific situation when he went to Pančevo immediately after the bombing of the "Rafinerija" and HIP "Petrohemija" companies. The plaintiff underwent regular military training and was often taught that the regular army's equipment includes protective masks used for protection from chemical attacks, but during wartime operations and NATO bombings, no protective equipment was issued to him or other soldiers, and the superiors never mentioned the use of such. The plaintiff states that he and others were never informed that the bombed companies – "Rafinerija" and HIP "Petrohemija" in Pančevo – contained chemical substances dangerous to health and the environment, which should have been indicated to them, given the pollution caused by the bombing and the environmental hazards that followed such situations.

**3.**
According to the Information of the Directorate for Radiation and Nuclear Safety and Security of the Republic of Serbia dated 18.06.2024, in accordance with data available from NATO, as well as on the basis of reports and performed dosimetric measurements by specialized military institutions, which was confirmed by international expert bodies as well, locations on the territory of the Republic of Serbia were registered where depleted uranium munitions were used.

Based on research conducted by the CBRN units of the Yugoslav Army during the period from 1999–2001, it was established that 4 locations in southern Republic of Serbia, excluding Kosovo and Metohija, were contaminated with depleted uranium munitions, namely:
location "Bratoselce", territory of the municipality of Bujanovac;
location "Pljačkovića", territory of the municipality of Vranje;
location "Borovac", territory of the municipality of Bujanovac; and
location "Reljan", territory of the municipality of Preševo.

The locations with established contamination were enclosed with wire fences and marked in order to prevent unauthorized access and to reduce potential contamination of the population. On other indicated locations, contamination of soil by depleted uranium was either not confirmed or confirmed in very small quantities.

In addition to the data available from NATO and the CBRN units of the Yugoslav Army, sampling and testing for identification of locations where depleted uranium munitions were used were also conducted by laboratories of the Vinča Institute of Nuclear Sciences and the Institute for Preventive Medicine. Samples were taken from, among others:
NIS “Rafinerija nafte Pančevo”,
HIP “Petrohemija”,
NIS “Jugopetrol Prahovo”,
HI “Lučani”,
“Sloboda” Čačak,
“Zastava” Kragujevac,
facilities in Doljevac and Bujanovac,
some military facilities and MUP buildings,
building of RTS,

palace of Ušće,
Kuwaiti Embassy, and others.

No traces of depleted uranium-based munitions were found at any of these locations.

Testing of radioactivity of projectile fragments from depleted uranium munitions confirmed that this type of munition, in addition to uranium isotopes, also contains transuranic elements. In literature available to the Directorate, it was found that this munition contains cesium-137. Cesium-137 was found in the environment as a consequence of above-ground nuclear tests, which were performed during the second half of the 20th century, and its greatest presence was noted after the nuclear accident at the Chernobyl Nuclear Power Plant in 1986.

Since 1999, radioactivity analyses of the environment have included analyses of uranium isotopes in tested samples. Not a single environmental sample from northern locations, including Vranje, confirmed the presence of depleted uranium. Starting in 2001, through a systematic testing program, environmental radioactivity monitoring was extended to the 4 contaminated locations in southern Serbia. Reports on radioactivity testing in the environment confirm that contamination of soil by depleted uranium was confirmed at the locations: Bratoselce, Pljačkovića, Borovac, and Reljan.

The then Federal Government began implementation of a project for remediation of depleted uranium-contaminated land in September 2002, and the Government of the Republic of Serbia completed the project in 2007. The project implementers were: the Vinča Institute of Nuclear Sciences and the Army of Serbia and Montenegro, with oversight from the CBRN Directorate. North of the location "Pljačkovića," no part of the location was found to be contaminated by depleted uranium.

In all cases, so-called "point decontamination" was conducted, meaning only the part of the terrain contaminated by the munition was cleaned. Decontaminated terrain, i.e. decontamination was carried out by removing the contaminated soil via radiological prospecting with the use of dosimeters and sampling. On the basis of the remediation project, only the CBRN Directorate of the Army and experts from the Vinča Institute and the Army of Serbia and Montenegro had access, as they complied with safety and health standards. The removed uranium and contaminated soil from accessible locations were stored in barrels and placed in temporary depots of JP "Nuclear Facilities of Serbia." Before and after the remediation, monitoring of the radioactivity at locations where depleted uranium munitions were used included testing radionuclide content in water samples, nearby crops and soil. The samples were taken from wells or public taps used by the population for water supply.

Testing of radioactivity in environmental samples after the remediation of contaminated sites did not register the presence of depleted uranium. The Directorate for Radiation and Nuclear Safety and Security of Serbia, since its establishment in 2018, has been responsible for monitoring changes in radioactivity levels and assessing their impact on the population and the environment, and related to this, issuing orders for the implementation of necessary measures and monitoring

their execution, while prior to that the responsible body was the Agency for Ionizing Radiation and Nuclear Safety of Serbia, established in 2009.

To determine the presence of radionuclides in the environment and possible exposure of the population to ionizing radiation, systematic environmental radioactivity testing is conducted throughout the territory of the Republic of Serbia, including locations where depleted uranium munitions were used. Sample collection and analysis is conducted by expert institutions accredited for prescribed measurements, and since 2010, radioactivity has been monitored in Serbia by the Vinča Institute of Nuclear Sciences, the Institute for Occupational Medicine of Serbia "Dr Dragomir Karajović," and the Faculty of Sciences in Novi Sad, which collect the samples, perform analysis and deliver results to the Directorate.

Since assuming jurisdiction over systematic radioactivity testing in the environment, the Directorate, and before that the Agency, based on the submitted results, has not confirmed the presence of depleted uranium in the environment of the Republic of Serbia.

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**4.**

According to the findings and opinion of the medical expert for pulmonary diseases and tuberculosis prim. dr sudske medicine Janković Goran dated 14.04.2023, the primary disease of the plaintiff – necrotizing lung cancer with invasion of the left lung wing – belongs to the group of malignant pulmonary neoplasms/malignant lung cancer. There is no fully reliable causal factor for the development of this type of disease that is scientifically verified and confirmed. Numerous available theories that are cited and analyze multiple risk factors that lead to changes in the lungs, which as significant risk factors, individually or collectively, are associated either directly or indirectly with the development of clinical pictures of malignant lung cancer include severe mental and physical trauma, psychophysical chronic stress, respiratory irritants, occupational hazards, chemical carcinogens, oncogenic viruses, general ionizing radiation, internal and external aerosols.

Cumulative exposure to various aerosols and airborne particles of different origins in the specific case of the consequences of the bombing of petrochemical industry and the refinery are considered. Ionizing radiation is, among others, a potential, possible risk factor for malignant transformation of the epithelium, lung parenchyma, from normal to malignant, through effects on chromosomal material, various disruptions and chromosomal mutations, translocations and mutations, which are the basis of the carcinogenesis of lung cancer and the development of malignant neoplastic changes in the lungs. Modern medicine, scientific and clinical experience and practice show that ionizing radiation is a risk factor for the onset of clinical lung cancer, even without the presence or action of co-factors or other risk factors.

Exposure to radiation from uranium munitions, the duration of exposure to uranium munitions and harmful airborne fumes and particles, released during the bombing of petrochemical industries and refineries, in the context of considering the etiology, causes and risk factors, can

objectively be observed as a factor of provocation, i.e. a potential trigger that initiated the process that led to the development of the malignant disease.

and the development of the clinical picture of lung cancer in the plaintiff. In support of this is the fact that during 1999, as a member of the armed forces of the Yugoslav Army, the plaintiff was exposed to the effects of depleted uranium munitions, as well as aerosols from smoke and dust, particularly due to the bombing of refineries and the petrochemical industry. It is reliably known that they contain certain doses of ionizing radiation, as well as carcinogenic materials that emit it, whose emission may have led to a causal link with the development of the plaintiff's pathological mechanisms and the emergence of the clinical picture of lung cancer, i.e., the disease from which the plaintiff suffers.

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**5.**
According to the findings and opinion of the expert prof. Dr. Jovanović Jovan dated 09.12.2024, based on the laboratory analysis of the plaintiff's tumor tissue, chemical carcinogenic agents were discovered in the lung tumor tissue, which are recognized in scientific literature both domestic and international, as well as by the International Agency for Research on Cancer, which is an intergovernmental agency and part of the World Health Organization headquartered in Lyon, France. Its role is to conduct and coordinate research on the causes of cancer, conduct epidemiological studies on the occurrence of cancer worldwide.

According to this Agency, all chemical agents that have carcinogenic effects on humans are divided into four groups. In the first group of chemical carcinogens for humans are agents for which there is sufficient evidence that the material is carcinogenic for humans, i.e., that there is sufficient evidence that it causes cancer in humans. The second group has two subgroups: 2A – there is evidence of carcinogenic effects only in experimental animals, and 2B – there is limited evidence of carcinogenicity in humans. The third group has no proven carcinogenic effects, and group 4 – probably not carcinogenic. This classification is also accepted in Serbian scientific literature.

In the laboratory analysis of the lung tumor tissue of the plaintiff, elevated levels of three elements were found – Aluminum, Chromium, and Cadmium – which are classified in the first group of chemical carcinogens for humans. In the first group of chemical carcinogens for humans, according to international and domestic scientific literature and the opinion of the International Agency for Research on Cancer, are classified agents for which there is sufficient evidence that the material is carcinogenic to humans, i.e., that it causes cancer in humans. In the tumor tissue of the plaintiff's lungs, Uranium was also found, which together with radionuclides emitting alpha particles, when deposited in tissue, represents a significant risk factor for the development of lung cancer. Uranium has been classified since 2009 in Group 1 of chemical carcinogens by IARC under code 7440-61-1, i.e., in the group of elements for which there is sufficient evidence that they cause cancer in humans.

In the laboratory analysis of the tumor tissue of the plaintiff's lungs, elevated levels of two elements – Antimony and Cobalt – were also discovered, which are classified in the second

group of chemical carcinogens, i.e., in the group of possible carcinogens, considering that there is still no evidence of their carcinogenic effects in experimental animals.

Based on the above, the court concluded that, on the basis of the totality and the conscientious assessment of each piece of evidence separately and their mutual connection, pursuant to Article 8 of the Civil Procedure Act:

The facts under point 1 and the factual state relate to the plaintiff's personal circumstances, the NATO aggression against the then Federal Republic of Yugoslavia, and the plaintiff's participation in the war, and the facts related to the time, place and manner of the sequence of events, that is, the chronological course of events in which the plaintiff was during the war exposed to ionizing radiation from uranium munitions, which caused a health problem for the plaintiff; the fact of the diagnosed illness from which the plaintiff suffers and the course of treatment as well, the court established by reading the written evidence – a copy of the military booklet of the plaintiff dated 21.05.1973, and by reading the written evidence it was established that the plaintiff was a participant in the war of 1999, and that he consistently claimed the facts already determined by the court based on the testimony of the plaintiff given in the capacity of a party in the proceedings, whose testimony the court considered clear and convincing, and stated that he was a water supply vehicle operator and driver, and mentioned that on the critical day he went to Pančevo at the time when, shortly before that, NATO aggression had bombed the petrochemical industry and refinery, during which time he was exposed to smoke, i.e., was exposed to ionizing radiation from uranium munitions, which according to medical opinion left consequences on the plaintiff. Considering the above, especially since the plaintiff sincerely stated before the court, the court accepted the plaintiff's testimony in full as truthful because it was supported by written and oral evidence in the form of submitted medical documentation regarding the circumstances of the plaintiff's lung carcinoma, which circumstance on the causal link between the time of military service and exposure to harmful particles, the appearance of illness in the same person was also proven by the medical opinions given by the court expert for pulmonary diseases and tuberculosis, prim. dr of forensic medicine Janković Goran dated 14.04.2023, as well as by the testimony of the expert witness, and by the written opinion and report of prof. Dr Jovanović Jovan regarding laboratory analysis of the plaintiff (which analysis and expert opinion were also provided by the plaintiff in these proceedings) and confirmed by the Laboratory for Medical Biochemistry "Lab test" Kragujevac for the plaintiff dated 07.11.2024, consent of the Ministry of Health no. 515-07-01992/2024-21 of 22.07.2024, expert report no. 24-24425.46 of 28.10.2024, submitted by the plaintiff in Italian with translation into Serbian by the court translator for the Italian language Budimirov Nataša, and the presence of increased values of metals and substances found in the plaintiff's tumor tissue sample and his medical condition.

An important fact related to the use of depleted uranium munitions by NATO armed forces during attacks on the then Federal Republic of Yugoslavia was that the use of depleted uranium 238 and cluster bombs by NATO in the relevant war represented an unauthorized means of

warfare and led to contamination, due to the release of toxic and radiological effects that led to cancer diseases of internal organs in humans, which the court determined from the review of the case files of the Higher Court in Belgrade K.br. 381/20, in which the mentioned facts were proven, and it was established that the munition with depleted uranium 238 and the cluster bombs used by NATO in the relevant war were prohibited means of warfare that lead to contamination, due to the release of toxic and radiological effects that lead to cancer diseases of internal organs in humans, which fact derives from the testimony of the plaintiff given in the capacity of a party, and is confirmed by the findings of the court and generally known facts on the consequences caused by the chemical element Uranium.

The facts under point 2 of the factual situation relate to the training of the plaintiff for participation in war operations and passing through military training, and the facts that relate to the means and equipment for personal protection that should be used in case of radiation, the court established by reading written evidence in the form of a copy of the military booklet of the plaintiff dated 21.05.1973, and from the testimony of the plaintiff given in the capacity of a party, whose testimony the court accepted as credible, and in the cited part as uncontroverted, and which refer to protective equipment which should be used by soldiers, and which in this particular case the defendant did not provide to the plaintiff, and the defendant did not deny this stated fact in the proceedings.

The facts under point 3 of the factual situation were established by the court through reading the written evidence – the letter of the RS Directorate for Radiation and Nuclear Safety and Security no. 7-00-14/2024-03 dated 18.06.2024.

The facts under point 4 of the factual situation regarding the condition, type, and severity of the disease from which the plaintiff suffers, and the cause of the plaintiff's illness from lung carcinoma, were established by the court through reading the written findings and opinion of the expert on pulmonary diseases and tuberculosis, prim. dr of forensic medicine Janković Goran, dated 14.04.2023, as well as through hearing the named expert, whose findings and opinion were clear, complete, and verifiable, and fully in accordance with the rules of profession and science, and from the position of an independent and impartial person for the outcome of the dispute. The court fully accepted them and on their basis determined the stated essential facts, and the expert was later heard in detail and clearly explained and supplemented the findings and opinion given in the written report, where he emphasized that he fully stands by his findings and opinion dated 14.04.2023, and based on 35 years of experience in pulmonology practice, he gave explanations of certain terminological definitions. The expert stated that the plaintiff's disease belongs to the group of malignant lung neoplasms and is also classified among groups of massive and unclassified lung diseases of unknown cause, and that when determining the cause of such diseases, it is not about a specific causative agent like bacteria or viruses, but about risk factors that lead to the initiation, favoring the development of the clinical picture; in this case of lung carcinoma of the plaintiff, and that for other diseases there are no clearly determinable causative agents and specific therapies, and that in such diseases there are certain risk factors, but not specific causes.

He stated that concrete oncological therapy is determined based on histological typing, i.e., microscopic examination, the so-called pathohistological verification, with which the name and surname of the carcinoma is obtained to determine the appropriate oncological therapy.

The expert further stated that in this specific case, factors that led to the plaintiff's disease are factors that represent harmful airborne influences, which particularly affect the respiratory system, and that those are fogs, vapors, gases, particles, and that the plaintiff's exposure to toxic environmental pollution during months represents a possible factor for the occurrence of the specific disease in him, because in this case it is exposure to nano particles, and not micro particles, and that nano particles can due to their size penetrate into very deep layers of the lungs. He pointed out that a major problem in this specific case is the cumulative effect, which means that such particles accumulate in the lungs, and such particles originate from materials that have carcinogenic potential, meaning they possibly affect chromosomal material, especially genetic material, and at a certain moment lead to transformation of cells into malignant ones, which can occur even after a time delay, due to oncological latency. He noted that in his long-term medical practice he has seen persons with the so-called "accompanying diseases," as such chronic ones, such as constant damage to the spinal cord, infarction, and similar, heart, kidney insufficiencies. The expert also clarified that even in the case of non-permanent exposure to toxic substances, there is a possibility of developing the disease, and this generally applies to all carcinomas in the body, with different degrees of sensitivity in different individuals, and that for lung cancer types "adenocarcinoma" and "small cell lung cancer" it is known they are rare in humans, and that in the case of the plaintiff it was a carcinoma of the kidney with metastases to the brain, but that this fact does not point to a genetic predisposition for the emergence of lung cancer in the plaintiff, but to the fact that a person who behaved in a way that weakens immunity with socially deviant behavior contributed to the emergence of the disease. He also stated that based on the laboratory results of the plaintiff, that in his opinion, the great danger is that the plaintiff generally lives with, given that high concentrations of nano particles were found in him, the existence of which was not denied by the defendant in the proceedings in the plaintiff's laboratory analysis, particles of cobalt, cadmium, and, in the first place, uranium were found above permitted limits, and that cadmium and nickel lead to irreversible lung diseases that are also carcinogenic, but are chronic and long-lasting and lead to fibrosis, since the organism creates scar tissue that hinders breathing and thus the quality of life, and on the other hand, uranium can lead to such changes, although it is not itself carcinogenic to the lungs, and that in the plaintiff's case it was introduced in a high concentration, and that uranium alone is sufficient to cause the development of malignant disease, i.e., the subject disease of the plaintiff, and that no analysis of radon was conducted, which arises as a decay product of uranium, and it is among the strongest toxins, considering that radon is radioactive.

The named expert emphasized that it is thanks to the fact that the plaintiff reported in an early stage of the disease, the result is that he is still alive, but the question remains regarding the quality of his life, which he has adapted in relation to physical activity tolerances. He also stated that in the concrete case, hygiene-technical protection prescribed by expert services was not applied.

HTZ equipment could have prevented the effect of exposure factors to ionizing radiation and carcinogenic materials in disease development, and if such equipment had existed, the risk would

have been reduced regardless of whether it was a war or peacetime situation, and that the use of respirators must be with filters. In such situations, a barrier between humans and toxins is necessary, which is great protection, as emphasized also in the conclusions of the World Health Organization, which states that even a nano particle of a single metal proven in elevated concentrations in the range of 2.5 microns can be a safe cause for the development of the subject disease, and in this case, the expert refers to only the existence of ultra-fine inhalants, which act according to the principle of nano particles that accumulate in lung tissue and are difficult to treat, and at high concentrations, nano toxins can enter far into the structure of lung tissue, especially in small airways, and for those reasons, there is no cure for practically all inhaled toxins, as well as that uranium alone is sufficient to cause clinical manifestation of the subject disease.

The expert, by explaining all metals found in the laboratory analysis of the plaintiff, which were above reference values, confirmed the causal link between them and the development of the subject disease in the plaintiff, so that even the presence of depleted uranium isolated is sufficient in those concentrations over time to cause the clinical manifestation of the subject disease.

The facts under point 5 of the factual situation related to the confirmed elevated values of metals and elements in the body of the plaintiff, discovered in a representative sample of tumor tissue and their impact on the plaintiff's health, were established by the court by reading the findings and opinion of the expert in occupational medicine and labor medicine prof. Dr. Jovanović Jovan dated 09.12.2024, whose findings and opinion were clear, complete and verifiable, in accordance with all professional and scientific rules, and from the position of an independent and impartial person for the outcome of the dispute, and the court fully accepted them and based on them established the stated essential facts regarding the finding that the plaintiff was exposed to the action of elements for which there is scientific evidence that they belong to the group of chemical carcinogens that cause cancer in humans.

The court accepted all the expert findings and the explanations of the expert witnesses, and the defendant had no objections.

All written evidence was evaluated and accepted by the court in the sense of Article 238 of the Civil Procedure Code as undisputed since their contents were not challenged by the defendant during the proceedings.

The court also evaluated the other written evidence and statements of the parties, but did not specifically elaborate on them, finding that they are not relevant to the decision.

By legal assessment of the established factual situation, the court concluded that the plaintiff's claim is founded and therefore fully upheld it.

The court first considered the defendant's motion raised at the hearing held on 22.08.2024, to suspend this proceeding until the final conclusion of the legal matter pending before the Basic Court in Niš under number P.br. 425/23. After examining the defendant's proposal, the court ruled in the first part of the judgment, in which the proposal for suspension was rejected for

reasons defined in Articles 222 and 223 of the Civil Procedure Law, which prescribe when and how the court may determine a stay of proceedings if an economic reason is established. The defendant stated that the case pending before the Basic Court in Niš is not legally binding or a final decision in the same matter but only a related issue, and thus cannot be a reason for the stay of this case. The court was not bound by the outcome or final ruling in the other case, but made its decision under Article 8 of the Civil Procedure Law based on its belief, from conscientious and careful evaluation of each piece of evidence separately and all evidence as a whole.

In this specific case, based on decisive facts, the court found that the plaintiff was a participant in the 1999 war, during the period from 29.03.1999 until 25.06.1999, that he was mobilized in Alibunar as a reserve officer, and that he performed duties of dispatch and transport in Banatsko Novo Selo, Banatski Karlovac, and occasionally in Pančevo, which was particularly significant at the moment when he went to Pančevo to pick up plywood for military trucks, going to Pančevo shortly after the petrochemical industry and refinery in Pančevo were bombed by NATO, which caused the air to be polluted by toxic materials, and the plaintiff during that wartime situation was exposed to ionizing toxic radiation, which he inhaled, and that this was due to the NATO armed forces' use of unauthorized weapons in the form of depleted uranium munitions, which are radioactive and toxic, and that as a result, the plaintiff subsequently became ill with lung carcinoma. The causal link was confirmed during the proceedings through written findings and expert opinions of court-appointed experts in this legal matter, particularly the expert opinion of Dr. Janković Goran, who is a qualified expert assigned to this task, and who determined that the plaintiff's body contains increased levels of certain chemical elements, including uranium, and that for those elements there is scientifically proven evidence of causing cancer in humans. They confirmed a causal link between the presence of metals found in the plaintiff's laboratory results and the development of the subject disease in the form of lung carcinoma. One of the crucial facts established was that during participation in military operations in 1999, the plaintiff was not given any protective equipment, not even a gas mask for chemical protection, nor during his time in Pančevo when he was collecting plywood for military trucks, all of which were key facts reliably confirmed in the factual situation established by this judgment.

According to Article 155 of the Law on Obligations, the perpetrator of damage is obliged to compensate for material damage (actual damage and lost profit), as well as for inflicted physical or psychological pain or fear (non-material damage).

Pursuant to Article 173 of the Law on Obligations, it is prescribed that damage caused in connection with a dangerous object or dangerous activity shall be deemed to arise from such object or activity, unless it is proven that they were not the cause of the damage.

Pursuant to Article 174 of the Law on Obligations, it is prescribed that the owner of a dangerous item is liable for damage caused by a dangerous activity, and for damage caused by a dangerous activity is also liable the person engaging in it, while Article 176 of the same Law prescribes that the one who has entrusted an item to another for use shall be liable, as shall the person who was obliged to supervise the one who caused the damage.

Pursuant to Article 199 of the Law on Obligations, it is prescribed that in the case of violation of personal rights, the court may, among other things, award compensation in a form that achieves its purpose.

Article 200 of the Law on Obligations prescribes in paragraph 1 that for physical pain, and for mental pain suffered due to reduced life activity, disfigurement, violation of reputation, honor, freedom or personal rights, the death of a close person, and for fear, the court shall award fair monetary compensation, regardless of material damage and even in its absence, if it finds that the circumstances of the case, especially the intensity of the pain and fear and their duration justify it. Paragraph 2 of the same Article prescribes that when deciding on a claim for non-material damage, and on the amount of compensation, the court shall consider the importance of the violated good and the purpose served by the compensation, as well as the fact whether the awarded amount may affect the burdens that life brings by its nature and to the social community.

Pursuant to Article 24 of the Constitution of the Republic of Serbia, it is prescribed that human life is inviolable.

Pursuant to Article 74 of the Constitution of the Republic of Serbia, it is prescribed that everyone has the right to a healthy environment and to timely and complete information about its condition, and that the Republic of Serbia and autonomous provinces are responsible for environmental protection.

Pursuant to Article 97 of the Constitution of the Republic of Serbia, it is prescribed that the Republic of Serbia, among other things, regulates and ensures: the exercise and protection of the freedoms and rights of citizens, responsibility and sanctions for violations of the freedoms and rights of citizens established by the Constitution and for violations of laws, other regulations and general acts, and the defense and security of the Republic of Serbia and its citizens, as measures in case of a state of emergency.

Pursuant to Article 2 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, it is prescribed that the right to life of every person shall be protected by law. According to Article 16 paragraph 2 of the Constitution of the Republic of Serbia, generally accepted rules of international law and ratified international treaties constitute an integral part of the legal system of the Republic of Serbia and are directly applicable, and the ratified international treaties must be in accordance with the Constitution.

From the cited provisions, it indisputably follows that the right to life and the right to a healthy environment is a joint constitutional right of every individual, as a narrow right belonging to the corpus of personal human rights, and that the violation of these value categories causes the suffering of mental pain, which as such, according to the cited Law, constitutes grounds for compensation of non-material damage.

Given the above, taking into account the indisputably established facts in this proceeding that the plaintiff participated in the war in 1999 as a member of the armed forces of the then Army of the Federal Republic of Yugoslavia, and that during the war, NATO forces, when bombing targets in

the Federal Republic of Yugoslavia, used munitions highly enriched with depleted uranium, and that in the specific case, particles of depleted uranium were inhaled by the plaintiff, and it was established that the plaintiff's exposure to the stated toxic pollution from the war led to the development of the subject illness in the form of lung carcinoma, given that the toxic particles inhaled by the plaintiff during the war left a trace in the plaintiff's organism that affected his health, worsened it and led to the formation of elevated values of carcinogenic chemicals, among which uranium is present in high concentration, for which there is conclusive proof that it causes cancer in humans, and that during the proceeding, a causal link between military service performed by the plaintiff and the occurrence of the subject disease was established, for which the defendant is liable.

During the proceeding, a reliable causal link was established between the plaintiff's exposure to carcinogenic chemical elements during military activity and the onset of the subject disease in the plaintiff, considering that court expert in pulmonary diseases and tuberculosis Dr. Goran Janković explained in detail and precisely the test results of the plaintiff, based on which the presence of aluminum, cadmium, barium, bromine, copper, selenium, nickel, lead, zinc, depleted uranium was confirmed, which in concentrations far above reference values demonstrated a causal link between the stated elements and the development of the subject illness in the plaintiff, and that depleted uranium in such concentrations present in the plaintiff could independently trigger the clinical picture of the subject illness. Furthermore, the court concluded that the plaintiff's exposure to depleted uranium occurred during the performance of military duties during the NATO bombing, considering that in a criminal case conducted before the High Court in Belgrade in case K.br. 381/20, a judgment was rendered in which, within the factual findings, the trial court also found that during NATO bombing, depleted uranium was used, which could not be found in nature in the locations where the plaintiff was during the war.

The court also took into account the fact that the plaintiff's mother had developed cancer before the bombing, but found that this did not affect the plaintiff's illness for the reason that the appointed expert clearly stated that the type of carcinoma that the plaintiff's mother had does not represent a genetic predisposition for the development of lung carcinoma that the plaintiff developed. Moreover, the court concluded that it was precisely due to participation in military activities that the plaintiff was exposed to depleted uranium and other toxic substances that led to the subject illness, as also stated by the expert in his testimony that particles found in the lungs originate from material that has carcinogenic potential, which means they may have an effect on genetic material, and that depleted uranium, at a certain moment, leads to the transformation of cells into malignant ones, which can happen even after a period of several decades, and that for those reasons he stated that the cause of the plaintiff's illness cannot be reliably determined, considering that a period of more than 20 years had passed since the harmful event. Namely, the plaintiff was diagnosed with malignant disease in 2016, and according to the expert, the transformation of cells into malignancy can occur over a period of several decades.

In this particular case, it concerns the objective liability of the defendant, considering that during the war events of 1999, the plaintiff, as a member of the armed forces of the then Army of the Federal Republic of Yugoslavia, performed military duties according to the orders of the defendant state, which first made the decision for war and declared the state of war, and as prescribed by Article 97 of the Constitution of the Republic of Serbia, under the jurisdiction of

the defendant, among other things, is to regulate and ensure the exercise and protection of the freedoms and rights of citizens, and the security of its citizens, and to take all measures in cases of war and emergency situations, and that during the proceedings, the plaintiff convincingly stated that during the bombing of the country by NATO forces, he was not provided with the appropriate protective equipment for such situations, which first and foremost implies the use of gas masks as protection against chemical attacks (which is prescribed by law as necessary equipment to be used regardless of whether it is wartime or peacetime). Accordingly, since the defendant did not undertake a single preventive measure to protect the health and life of the plaintiff in this specific case, and during the proceeding, it was determined that the plaintiff, at the critical moment when he went to Pančevo and learned that the petrochemical and refinery industries had been bombed, came by vehicle, and the defendant was obliged to inform the public of any possible danger. Considering this, and having in mind the established fact that the defendant subsequently did not take any preventive measures to eliminate the harmful effects of depleted uranium and did not demonstrate concern for health in the specific case of the plaintiff, when he was diagnosed, and his health condition was found to be impaired, then the burden of proof in the sense of Article 231 of the Civil Procedure Law was on the defendant, and it is indisputably concluded that the defendant, by such inaction, violated the basic personal rights of the plaintiff, which is the right to life, or the right to a healthy life, which cannot be derogated even during wartime, as well as the right to a healthy environment, which by the use of depleted uranium munitions was certainly violated, and which rights are jointly guaranteed by the Constitution as the highest legal act of the state, since all consequences aim to maximally protect the basic rights and the dignity of a human being.

In the sense of the above, since under the circumstances of a declared state of war due to military actions there was a high degree of risk for the plaintiff, who during the state of war performed dangerous duties, the non-material damage to the plaintiff in this specific case arose in connection with a dangerous activity (military activity represents a dangerous activity, especially in wartime conditions), then the defendant is responsible for the given legal matter, as the party that performed the dangerous activity and which is responsible for the safety and security of all citizens, and is liable for such damage under the rules of objective liability in the sense of Articles 173 and 174 of the Law on Obligations. Therefore, the court considered as unfounded the defendant’s objection regarding the lack of passive legitimacy in this legal matter and, for the stated reasons and explanations, rejected the objection regarding the lack of passive legitimacy of the defendant as unfounded.

Considering that it is a matter of the objective liability of the defendant, the defendant could be released from liability only by proving that it undertook all preventive and other necessary actions to avoid the violation of personal rights and that the occurrence of the plaintiff's non-material damage would not have happened, or that the damage occurred exclusively due to force majeure or actions that the defendant could not foresee or prevent. In this specific case, the harmful event occurred at a time when the war actions were already ongoing, and the defendant at that moment already had knowledge that the refinery and petrochemical plants in Pančevo were being bombed, and before that the plaintiff had already left for Pančevo. For this reason, the claim of the defendant that it did not know that the plaintiff would be in the territory of the target area or that he would be a participant in the aggression is rejected.

The use of depleted uranium munitions, considering that during the proceedings it was not proven that the defendant took any measures in terms of preventing the violation of the plaintiff's right to life and to a healthy environment in the situation when the plaintiff was sent near industrial facilities that had been previously bombed, and that he was neither warned by a superior nor was he given instructions on protective measures, although it was the duty of the defendant even in such a situation to protect the plaintiff, especially knowing that NATO used depleted uranium munitions when bombing those facilities, and bearing in mind that they were industrial facilities which, when bombed, already in themselves represented a danger to health, life, and the environment.

Also, the defendant has not provided any evidence that after the completion of military operations it took necessary measures to protect the plaintiff's rights, nor that it undertook any measures after it was established that NATO used depleted uranium munitions during military activities.

Consequently, with regard to the above, considering that the court finds that the violation of the above-stated value categories caused the plaintiff to suffer mental anguish due to the violation of personal rights, which justifies awarding fair monetary compensation, the court determined such fair monetary compensation in accordance with Article 200 of the Law on Obligations in the amount of 30,000.00 dinars, thereby fully upholding the plaintiff's claim and rendering a judgment accordingly. In making its decision, the court took into account that the monetary compensation is not a punishment, but a means to alleviate the suffering of non-material damage and that it cannot exceed difficulties that are not inherent in the natural and social purpose of life.

The court considered and highlighted the defendant's objections of lack of territorial jurisdiction and the statute of limitations, but found them unfounded and rejected them as such.

Namely, the court considered the objection of lack of territorial jurisdiction and found it unfounded based on Article 46 of the Law on Civil Procedure, which stipulates that for disputes over the violation of personal rights, the court of general territorial jurisdiction is competent, i.e., the court in whose territory the harmful act was committed, or the court in whose territory the plaintiff resides or is domiciled. Accordingly, the plaintiff filed the lawsuit before the Basic Court in Pančevo, determining that from the outset the plaintiff had residence in its jurisdiction, so the court, based on a preliminary examination of legal provisions, found the objection of lack of territorial jurisdiction to be unfounded and dismissed it in the second part of this judgment.

The court also considered the defendant's objection of statute of limitations of the claim and found it likewise unfounded. According to Article 376, paragraph 1, of the Law on Obligations, claims for compensation for damages caused by harm become time-barred three years from the date the injured party learned of the damage and the perpetrator. Furthermore, Article 376, paragraph 2, provides that the right to compensation becomes time-barred no later than five years from the date the damage occurred. From the stated provisions, it is clear that the start of the statute of limitations period is linked to the moment when the plaintiff learned of the damage and the person liable for it, and not necessarily the date when the damage occurred.

However, when it comes to compensation for non-material damage related to physical pain, fear, or completion of treatment and the realization that the residual consequences caused permanent damage to the plaintiff's health, each form of non-material damage is especially subject to its own statute of limitations.

In the specific case, the statute of limitations period for the plaintiff's claim for non-material damage due to mental suffering caused by the violation of personal rights, which arose as a consequence of participation in wartime activities, begins to run from the completion of treatment and the realization that the subject illness in the plaintiff has become chronic, i.e. from the moment it became certain that the consequences of the illness cannot be eliminated by further treatment.

Accordingly, bearing in mind the established facts in this proceeding that the plaintiff was diagnosed with lung cancer in 2016 and that he underwent surgery that same year, but that the moment of the surgery did not signify the end of the plaintiff's treatment, since after the surgery he was prescribed chemotherapy, which he then received in four cycles, and continued with follow-up examinations for years afterward, considering that the plaintiff was indicated for continued clinical monitoring of the disease's development, and that in its nature the plaintiff's illness is such that it cannot be classified as definitively and conclusively resolved, the court finds that the plaintiff's claim is not time-barred, and the statute of limitations objection is therefore dismissed as unfounded.

In making its decision, the court also evaluated and established the facts in this case that according to the Information from the RS Directorate for Radiation and Nuclear Safety and Security dated 18.06.2024, which the Directorate received based on available data from NATO and ABHO of the Yugoslav Army, in facilities including, among others, the Oil Refinery Pančevo and HIP Petrohemija, no traces of the use of depleted uranium-based munitions were found, but as the very title of the submitted evidence by the defendant indicates, it shows that these are informative claims. The court, by reading the aforementioned evidence, found that the statements made by the Directorate's team are of an informative nature and that they only provide information about the impact of the exposure on the population and the environment during the war based on the available data at that time, and which were later reached based on published newspaper articles and footage from radio and television appearances, so the stated findings in the cited written evidence cannot affect the rendering of a different decision in this legal matter.

Having in mind all the foregoing, it was decided as stated in the pronouncement of this judgment.

The court ruled on statutory default interest on the awarded amount of non-material damages based on the provision of Article 277 paragraph 1 in connection with Article 324 of the Law on Obligations, starting from the date of enforceability of this judgment, and in accordance with Article 3 paragraph 1 of the Law on Civil Procedure within the limits of the claim for compensation, as this will be relevant for potential future claims for non-material damages filed after the finality of this judgment, when the amount of non-material damage (fair monetary compensation) is awarded and determined.

The decision on litigation costs was made based on Articles 150, 153 paragraph 1, Article 154 and Article 163 of the Civil Procedure Law, based on the fact that the plaintiff was successful in this dispute, all in accordance with the specified claim by the plaintiff for their reimbursement dated 24.03.2025.

The court first considered the request made by the plaintiff in the lawsuit dated 29.05.2024 for exemption from payment of the costs of this procedure Pursuant to Article 168 of the Law on Civil Procedure, it is prescribed that the court may exempt a party from the obligation to pay litigation costs if, due to their overall financial situation, they are unable to bear those costs, and that such exemption from paying litigation costs includes exemption from paying court fees and exemption from paying advances for the costs of evidence, expert examinations, witness testimonies, and court transcripts, so that the party may also be exempted from paying fees, in accordance with a special law. When deciding on the exemption from paying litigation costs, the court shall assess all these circumstances, especially taking into account the value of the dispute, the number of people the party supports, and the income and property owned by the party and their family members; while Article 169 of the same law prescribes that a decision on exemption from paying litigation costs shall be made by the presiding judge, upon a motion submitted by the party who requests the exemption. The party is obliged to state the facts and provide evidence supporting them, and if necessary, the court is obliged to, ex officio, obtain the required information and notify the other party that the request for exemption has been submitted, and may hear the other party on the matter.

Pursuant to Article 10 of the Law on Court Fees, it is prescribed that a party may be exempted from paying fees if, due to their financial condition, paying fees would significantly endanger their social security. The decision is made by the presiding judge upon a motion submitted by the fee-payer, who must provide evidence of their income and property situation, especially considering the value of the subject matter, the total income of the fee-payer and their household members, the number of people the fee-payer supports, whether they are part of the household, and their income and general property status. Proof for this is issued by the competent authority based on the data submitted by the fee-payer and their household members. The certificate includes information about the income and property status of all household members. If the certificate is older than six months, the court shall ask the competent authority to issue a new one.

In ruling on the plaintiff's motion, the court, pursuant to Article 169, paragraph 3 of the Civil Procedure Law, in connection with Article 11, paragraph 5 of the Law on Court Fees, officially obtained information on whether the plaintiff receives income from which court fees could be paid, and found that the plaintiff does not receive any income higher than 80,000.00 dinars, so although the plaintiff requested exemption from paying litigation costs, they did not provide evidence about their general financial situation, nor did they prove that due to such a situation they are unable to pay the litigation costs, nor that their family members or persons they support could cover those expenses. Thus, the court, based on the burden of proof established under Article 231 of the Civil Procedure Law, as well as the subject matter of this dispute in which the value is 30,000.00 dinars, made the decision as stated in the judgment.

The attorney's fee costs of the plaintiff who succeeded in the dispute consist of the costs for drafting the lawsuit dated 29.05.2024 in the amount of 9,000.00 dinars, for drafting the written submission dated 02.08.2024 in the amount of 9,000.00 dinars, for the appearance of the plaintiff's attorney at four hearings (on 22.08.2024, 08.10.2024, 08.11.2024, and 24.03.2025) in the amount of 13,000.00 dinars each, and for the appearance of the attorney at one postponed hearing on 02.12.2024 in the amount of 6,500.00 dinars, which amounts to a total of 76,500.00 dinars, which fee was determined in accordance with the Tariff on Remuneration and Reimbursement of Attorneys' Costs. As the plaintiff's attorney is registered with the Tax Administration and liable for VAT, the plaintiff is entitled to a reimbursement of expenses increased by 20% for VAT, making the total attorney's fees amount to 91,800.00 dinars.

The litigation costs also include the cost of expert testimony by expert witness Dr. Jovanović Jović dated 09.12.2024 in the amount of 12,000.00 dinars, as well as the court fee for the lawsuit in the amount of 3,100.00 dinars, calculated in accordance with the valid Law on Court Fees.

The court considered the request of the plaintiff's attorney who also sought costs for drafting all submissions in this proceeding, but the court found that the remaining plaintiff's submissions were not necessary for conducting the dispute and therefore, under Article 154 of the CPC, those listed costs were not awarded to the plaintiff. The court also considered the plaintiff's request for the reimbursement of costs for the expert witness in pulmonary medicine Dr. Janković Goran, but also for the hearing held on 08.11.2024, the named expert did not issue an invoice for the expert opinion and did not submit a claim for reimbursement, so for those reasons, the costs of expert witness Dr. Janković Goran were not awarded to the plaintiff.

The litigation costs so determined amount to a total of 106,900.00 dinars.

The decision on interest on litigation costs was made by applying Articles 277 and 324 of the Law on Obligations, considering the obligation to compensate the costs and their amount determined by this ruling, and that only after the expiration of the statutory 8-day deadline from the day of delivery of the judgment, the defendant as debtor shall be in default if it fails to fulfill this obligation.

**LEGAL REMEDY INSTRUCTION:**
An appeal against this judgment is allowed within 8 days from the date of receipt of this judgment to the Higher Court in Pančevo, through this court.

**JUDGE**
**Vanja Tomić**, hand-signed