

CERTIFIED TRANSLATION INTO ENGLISH

VIDOVIĆ ANDELKOVIĆ LAW FIRM
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SIGNATURE: (Signature illegible)

(Coat of arms)
Republic of Serbia
The First Basic Court of Belgrade
20 P. Ref. 57019/20
Date: November 25, 2021
Belgrade, Bulevar Nikole Tesle 42 A

THE FIRST BASIC COURT OF BELGRADE, Judge Violeta Joksimović, acting as sole judge in the legal matter regarding determination and assessment of damages brought by Claimant ALEKSANDAR NEĆAK of Jurija Gagarina 251, Belgrade, represented by attorney Srđan Vidović of Braće Jugovića 3/8, Belgrade, against Respondents ISAK ASIEL of Bulevar Mihajla Pupina 207/127, Municipality of Novi Beograd, Belgrade, and ALEKSANDAR JINKER of Vase Pelagića 46 A, Belgrade, represented by attorney Ilija Džaković of Jurija Gagarina 30 G, Belgrade, having considered the proposed injunction, delivered on November 25, 2021 the following

DECISION

I The injunction proposed by Claimant ALEKSANDAR NEĆAK is hereby **PARTIALLY APPROVED**, and therefore, Respondents ISAK ASIEL and ALEKSANDAR JINKER are ordered to allow Claimant to enter the Synagogue freely and continue to do so in the future as well as freely profess his faith in the said Synagogue in accordance with the Covid-19 Prevention and Control Regulations; Respondents are also ordered to stop prohibiting Claimant from entering the Synagogue and taking any actions preventing Claimant from entering the Synagogue and professing his faith freely, as further proposed.

II This injunction shall remain in effect until the final resolution of the case P. Ref. 57019/20 by the First Basic Court of Belgrade.

III The part of the injunction intended to govern the problematic relationship temporarily and prohibit Respondents ISAK ASIEL and ALEKSANDAR JINKER from taking any actions which might harm Claimant, proposed by ALEKSANDAR NEĆAK, **IS HEREBY REJECTED**.

IV Any appeal against this Decision is hereby denied suspensory effect.



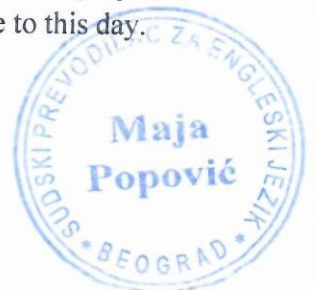
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Explanation

In his claim filed to this Court on November 24, 2020, Claimant stated that the first Respondent is a rabbi acting as a member of the Rabbinate of the Association of Jewish Communities of Serbia, whose chief function is to take care of the Jewish religious activities in the Republic of Serbia; the very fact that the first Respondent is the person who is supposed to take care of the religious activities of the Jewish community in Serbia is vital to this case and determination of the gravity of violation of personal rights suffered by Claimant, as is the fact that the second Respondent is head of the Jewish Community of Belgrade, and Claimant filed his claim as a religious man who, prior to being prohibited from doing so by Respondents, went to the Synagogue daily to profess his faith, and Respondents, assisted by a number of individuals, on October 25, 2019 first made an authorized entrance to the Synagogue yard and then prevented any other persons - as well as Claimant - from entering the Synagogue; in other words, the first Respondent, who possessed the Synagogue and driveway gate keys, stepped on the said date outside the Synagogue around 9:00 o'clock PM, where, according to an earlier agreement with Respondents, around 30 individuals - members of Partizan Football Club's fan group Alcatraz - appeared; the first Respondent met these football fans outside the Synagogue - as the fans had earlier agreed with both Respondents - in order to enter the Synagogue yard and building and seize the premises in the interest of preventing any person from entering the yard and the Synagogue; the door lock on the pedestrian gate was changed that day to prevent any individual from entering the yard and the Synagogue and in this way, using the physical force of the fans - who acted in the name and on behalf of Respondents - Respondents prevented Claimant from entering the Synagogue and professing his faith entirely, in other words - violated Claimant's right to religious freedom; Claimant last attempted to enter the Synagogue on November 9, 2020, but was prevented from doing so in the same method; in other words, Claimant has been prevented from entering the Synagogue and professing his faith in God for over a year now, as a result of which he proposed that this Court approve his claim and determine that Respondents violated Claimant's right to freedom of religion and order Respondents to pay Claimant jointly and severally the amount of RSD 300,000.00 for emotional distress suffered due to a violation of personal freedom and personal rights, namely the freedom of religion, within 15 days of the receipt of the written copy of the judgement, under threat of enforcement.

The submission dated August 2, 2021 proposed an injunction to regulate the problematic relationship and prohibit Respondents from taking any actions which might harm Claimant as well as order Respondents to allow Claimant to access the Synagogue freely and keep accessing the Synagogue, profess his religion freely therein, thereby temporarily arranging this problematic relationship as well as prohibit Respondents from preventing Claimant from accessing the Synagogue, i.e. from taking any action which would prevent Claimant from accessing the Synagogue and professing his faith freely therein.

In the hearing held on November 25, 2021, Claimant's attorney reaffirmed the proposed injunction being sought, stating that Claimant remains unable to enter the Synagogue to this day.



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Respondents challenged the claim in full through their attorney and opposed the injunction sought in the November 25, 2021 hearing, declaring that the case does not meet the requirements for the injunction as outlined in the Enforcement and Security Act.

The parties agree that the first Respondent is a rabbi acting as a member of Rabbinate of the Association of Jewish Communities of Serbia and the second Respondent is Aleksandar Jinker, the head of the Jewish Community of Belgrade.

The examination of the Decision P. Ref. 26132/19 delivered by the First Basic Court of Belgrade on December 11, 2019 revealed that the same imposed an injunction and ordered Respondents Isak Asiel and Aleksandar Jinker to restore things to their prior condition by removing the chain from the driveway gate and handing over the keys to the driveway and pedestrian locks at the entrance to the yard and building complex of the Synagogue, located at Maršala Birjuzova 19, Cadastral Municipality of Stari grad 2166, recorded in the Real Estate Folio 328, Cadastral Municipality of Stari grad, legally held by the Jewish Community of Belgrade as claimant, in the interest of access to all of claimant's premises where the Jewish Community of Belgrade's activities are performed, namely, the Jewish Community of Belgrade's lounge together with kosher kitchen and ancillary rooms located in the basement of the building's right wing entrance and claimant's left wing entrance, more specifically, on the first floor of the kindergarten, the second floor of the Youth Club temporarily housing the Jewish Community of Belgrade's offices, for document collection by claimant's legal representative Danilo Medić and persons employed in the office, kindergarten and kosher kitchen; the decision's explanation states October 25, 2019 as the date of the said event.

Article 43 of the Serbian Constitution guarantees freedom of religion, the right to maintain one's religion and states that each person shall be free to manifest his or her religion or religious beliefs in worship, observance, practice and teaching, individually or in community with others, and to manifest religious beliefs in private or public.

Article 1 of the Churches and Religious Communities Act ("Official Serbian Gazette", No. 36/06) states that every person shall be guaranteed freedom of religion under the Serbian Constitution and that freedom of religion shall include, among other things, the freedom to profess one's belief in God and every person's freedom to profess his or her faith or religious belief individually or in community with others, in private or public, by participating in religious services and performing religious ceremonies.

Article 449, paragraph 3 of the Enforcement and Security Act provides that, in order for an injunction securing a non-pecuniary claim to be imposed, the creditor shall, aside from showing a likely claim, also show the likelihood that the satisfaction of his or her claim would fail or be considerably reduced without the injunction, or that force would be used or irreparable harm be caused (danger to claim).



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As the case in question involves Claimant's right to religious freedom - which includes the freedom to profess one's belief in God as well as any person's freedom to profess his or her faith or religious belief individually or in community with others, either in private or public, by participating in religious services and performing religious ceremonies - this Court finds that Claimant showed likely the existence of his claim as well as the danger of irreparable harm if Respondents, namely the first Respondent, as a rabbi acting as a member of the Rabbinat of the Association of Jewish Communities of Serbia, and second Respondent, as head of the Jewish Community of Belgrade, were to prevent him from exercising this right under Article 43 of the Serbian Constitution as well as Article 1 of the Churches and Religious Communities Act, for which reason the Court accepted Claimant's injunction proposal to the extent concerned with allowing Claimant to enter the Synagogue freely and keep doing so freely and professing his religion in it freely, thereby temporarily regulating the relationship in this aspect, but subject to limitations under Article 3 of the Churches and Religious Communities Act and Covid-19 Prevention and Control Regulations, keeping in mind that Respondents stated that, although Claimant was prevented from entering the Synagogue, this was done as a restriction due to Covid-19 outbreak, for which reason the Court decided as stated in section I of the enacting clause hereof, and determined the duration of the injunction by applying Article 477, paragraph 1 of the Enforcement and Security Act.

The Court rejected Claimant's injunction proposal to the extent concerned with a temporary regulation of the problematic relationship and imposition of a prohibition on Respondents from taking any actions which might harm Claimant, owing to the fact that this aspect of the injunction is unenforceable, in other words, it is unclear what constitutes temporary regulation of the problematic relationship and what actions might be taken to prevent harm to Claimant, for which reason the Court rejected this aspect of the proposal as having no merit, as stated in section III of the enacting clause hereof.

Judge
Violeta Joksimović
(Signed)

(Rectangular stamp: PRESIDING JUDGE
OF THE PANEL: (illegible))
(Round seal: The First Basic Court of
Belgrade, Belgrade, Republic of Serbia)

LEGAL REMEDY:

One may appeal against this Decision to the High Court of Belgrade within 15 days of the receipt of its written copy, through this Court.

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I, the undersigned sworn-in court translator, appointed by the decision of the Ministry of Justice of the Republic of Serbia no. 740-06-968/2000-04 of April 12, 2000, certify hereby that this translation into English is fully true to the original text written in the Serbian language. My commission is permanent.

In Belgrade, December 3, 2021

No. 7860/2021



Maja Popović

Sworn-In Court Translator for English