

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

SECOND SECTION

DECISION

Application no. 37615/19
Mirjana CVETKOVIĆ against Serbia
and 14 other applications
(see appended table)

The European Court of Human Rights (Second Section), sitting on 9 December 2021 as a Committee composed of:

Pauliine Koskelo, *President,*
Branko Lubarda,
Marko Bošnjak, *judges,*

and Viktoriya Maradudina, Actng Deputy Section Registrar,

Having regard to the above applications lodged on the various dates indicated in the appended table,

Having regard to the observations submitted by the respondent Government and the observations in reply submitted by the applicant,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The list of applicants is set out in the appended table.

The applicants were represented by Mr S. Stajić, a lawyer practising in Lebane.

The applicants' complaints under Article 6 § 1 of the Convention and Article 1 of Protocol No. 1 concerning the non-enforcement of domestic decisions given against socially/State-owned companies were communicated to the Serbian Government ("the Government") on 25 March 2021.

THE LAW

A. Joinder of the applications

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

B. Complaints under Article 6 § 1 of the Convention and Article 1 of Protocol No. 1 (non-enforcement of domestic decisions given against socially/State-owned companies)

The Government submitted that the final domestic decisions in the applicants' favour had actually been enforced. They therefore suggested that the Court reject the applications as an abuse of the right of individual application in accordance with Article 35 §§ 3 (a) and 4 of the Convention.

The applicants did not dispute that fact.

The Court reiterates that an application may be rejected as an abuse of the right of individual application within the meaning of Article 35 § 3 (a) of the Convention if, among other reasons, it was knowingly based on false information or if significant information and documents were deliberately omitted, either where they were known from the outset or where new significant developments occurred during the proceedings. Incomplete and therefore misleading information may amount to an abuse of the right of application, especially if the information in question concerns the very core of the case and no sufficient explanation is given for the failure to disclose that information (see *Gross v. Switzerland* [GC], no. 67810/10, § 28, ECHR 2014; *S.A.S. v. France* [GC], no. 43835/11, § 67, ECHR 2014; and *Nikolić and Others v. Serbia* (dec.) [Committee], nos. 48162/18 and 8 others, 21 January 2021).

Turning to the present case, the Court observes that between 10 October 2019 and 3 June 2020 the sums awarded in the domestic decisions at issue were fully paid by the State in accordance with domestic law (see *Stevanović and Others v. Serbia*, nos. 43815/17 and 15 others, § 17, 27 August 2019). The applicants did not inform the Court about that development before notice of the applications was given to the Government and no explanation for this omission was provided.

Having regard to the fact that the information withheld concerned the very core of the applications, the Court finds that such conduct was contrary to the purpose of the right of individual application. Lawyers must understand that, having due regard to the Court's duty to examine allegations of human rights violations, they must show a high level of professional prudence and meaningful cooperation with the Court by sparing it the introduction of unmeritorious complaints and, both before proceedings have been instituted and thereafter, they must inquire diligently into all the details of the case, meticulously abide by all the relevant rules of procedure and must urge their clients to do the same. Otherwise, the wilful or negligent misuse of the Court's resources may undermine the credibility of lawyers' work in the eyes of the Court and even, if it occurs systematically, may result in particular individual lawyers being banned from representing applicants under Rule 36 § 4 (b) of the Rules of Court (see *Stevančević v. Bosnia and Herzegovina* (dec.), no. 67618/09, § 29, 10 January 2017).

In view of the above, the Court finds that these applications constitute an abuse of the right of individual application and must be rejected in accordance with Article 35 §§ 3 (a) and 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 13 January 2022.

Viktoriya Maradudina Acting Deputy Registrar	Pauliine Koskelo President

APPENDIX

List of applications raising complaints under Article 6 § 1 of the Convention and Article 1 of Protocol No. 1 (non-enforcement of domestic decisions given against socially/State-owned companies)

No.	Application no. Date of introduction	Applicant's name Year of birth	Relevant domestic decision	Start date of non-enforcement period	Date of enforcement of domestic decisions
1.	37615/19 21/06/2019	**Mirjana CVETKOVIĆ** 1961	Municipal Court in Lebane, 21/04/2005 Commercial Court in Leskovac, 07/10/2011	11/09/2007 07/10/2011	10/10/2019
2.	17196/20 20/03/2020	**Dragan RISTIĆ** 1963	Municipal Court in Lebane, 28/04/2004 Municipal Court in Lebane, 20/10/2005 Municipal Court in Lebane, 25/12/2006	12/07/2004 16/04/2010 16/04/2010	27/02/2020
3.	17647/20 23/03/2020	**Slađana PETROVIĆ-ŽIVKOVIĆ** 1962	Municipal Court Lebane, 08/07/2003 Municipal Court Lebane, 13/09/2005	16/04/2010 16/04/2010	27/02/2020
4.	18468/20 02/04/2020	**Svetislav STOJANOVIĆ** 1948	Municipal Court in Lebane, 17/06/2004 Municipal Court in Lebane, 28/07/2005	16/04/2010 16/04/2010	27/02/2020
5.	19147/20 27/02/2020	**Branislav PETROVIĆ** 1953	Municipal Court in Lebane, 22/03/2005 Municipal Court in Lebane, 19/09/2005 Municipal Court in Lebane, 22/02/2006 Municipal Court in Lebane, 30/11/2006	02/07/2009 02/07/2009 02/07/2009 02/07/2009	27/02/2020

No.	Application no. Date of introduction	Applicant's name Year of birth	Relevant domestic decision	Start date of non-enforcement period	Date of enforcement of domestic decisions
6.	20679/20 21/04/2020	**Sevda JANKOVIĆ** 1947	Municipal Court in Lebane, 19/09/2005	16/04/2010	27/02/2020
7.	20685/20 21/04/2020	**Stanko MARKOVIĆ** 1957	Municipal Court in Lebane, 30/09/2004	16/04/2010	27/02/2020
8.	21438/20 02/04/2020	**Dragan STOJANOVIĆ** 1963	Municipal Court in Lebane, 28/07/2005	15/11/2005	27/02/2020
9.	21592/20 21/04/2020	**Dragi STOJANOVIĆ** 1959	Municipal Court in Lebane, 21/09/2005	16/04/2010	27/02/2020
10.	21670/20 21/04/2020	**Milutin ŽIVKOVIĆ** 1959	Municipal Court Lebane, 22/06/2004 Municipal Court Lebane, 24/10/2005	16/04/2010 16/04/2010	27/02/2020
11.	21970/20 30/04/2020	**Dragan ZLATANOVIĆ** 1954	Municipal Court Lebane, 21/04/2005	21/10/2011	03/06/2020
12.	22038/20 30/04/2020	**Slađanka DAVIDOVIĆ** 1959	Municipal Court in Lebane, 19/07/2006	11/09/2007	03/06/2020
13.	22114/20 21/04/2020	**Gradimir IVKOVIĆ** 1952	Municipal Court in Lebane, 15/07/2004	15/11/2005	27/02/2020
14.	23489/20 30/04/2020	**Javorka STAMENKOVIĆ** 1950	Municipal Court in Lebane, 21/04/2005 Municipal Court in Lebane, 05/08/2008	11/09/2007 07/10/2011	03/06/2020
15.	23498/20 30/04/2020	**Gorica MALOVIĆ** 1962	Municipal Court in Lebane, 23/01/2007	13/03/2007	03/06/2020