

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

SECOND SECTION

DECISION

Application no. 18462/20
Steva DODIĆ against Serbia
and 17 other applications
(see appended table)

The European Court of Human Rights (Second Section), sitting on 10 November 2021 as a Committee composed of:

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

and Viktoriya Maradudina, *Acting 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 applicants,

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 Srđan 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 or delayed 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 or delayed enforcement of domestic decisions given against socially/State-owned companies)

The Government submitted that the final domestic decisions in the applicants' favour had 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 but considered it irrelevant.

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 27 February and 21 October 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 2 December 2021.

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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 or delayed 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	End date of non-enforcement period
1.	18462/20 30/04/2020	**Steva DODIĆ** 1975	Municipal Court in Lebane, 21/04/2005 Municipal Court in Lebane, 03/06/2009	11/09/2007 07/10/2011	03/06/2020
2.	18467/20 30/04/2020	**Mile PETKOVIĆ** 1968	Municipal Court in Lebane, 06/05/2003	21/11/2005	27/02/2020
3.	18498/20 30/04/2020	**Milan STANOJEVIĆ** 1962	Municipal Court in Lebane, 06/05/2003	16/04/2010	27/02/2020
4.	18509/20 30/04/2020	**Stanimir PETROVIĆ** 1947	Commercial Court in Leskovac, 31/01/2002	11/03/2004	27/02/2020
5.	18518/20 30/04/2020	**Dejan TODOROVIĆ** 1974	Municipal Court in Lebane, 21/04/2005 Municipal Court in Lebane, 03/06/2009	11/09/2007 07/10/2011	03/06/2020
6.	18540/20 30/04/2020	**Ivan DIMITRIJEVIĆ** 1966	Municipal Court in Lebane, 28/07/2005 Municipal Court in Lebane, 13/02/2006	15/11/2005 16/04/2010	27/02/2020
7.	21673/20 30/04/2020	**Velibor JOVIĆ** 1967	Municipal Court in Lebane, 23/11/2004	16/04/2010	27/02/2020
8.	21967/20 30/05/2020	**Krsta DIMITRIJEVIĆ** 1960	Municipal Court in Lebane, 06/05/2003	16/04/2010	27/02/2020
9.	23426/20 10/06/2020	**Nataša ZDRAVKOVIĆ** 1970	Municipal Court in Lebane, 20/09/2005 Municipal Court in Lebane, 04/08/2006	15/11/2005 16/04/2010	21/10/2020

No.	Application no. Date of introduction	Applicant's name Year of birth	Relevant domestic decision	Start date of non-enforcement	End date of non-enforcement period
10.	25227/20 30/05/2020	**Slađana STANKOVIĆ** 1978	Municipal Court in Lebane, 06/05/2009	26/08/2009	25/05/2020
11.	25451/20 10/06/2020	**Dragan TRAJKOVIĆ** 1955	Municipal Court in Lebane, 01/12/2005 Municipal Court in Lebane, 28/07/2005	16/04/2010 16/04/2010	21/10/2020
12.	25568/20 10/06/2020	**Nenad KOVAČEVIĆ** 1962	Commercial Court in Leskovac, 01/04/2004 Municipal Court in Lebane, 27/01/2005 Municipal Court in Lebane, 22/02/2006	15/11/2005 15/11/2005 16/04/2010	21/10/2020
13.	26756/20 30/05/2020	**Vesna STOJANOVIĆ** 1959	Municipal Court in Lebane, 21/05/2002	26/08/2009	25/05/2020
14.	26817/20 10/06/2020	**Mihajlo GOLUBOVIĆ** 1949	Municipal Court in Lebane, 17/06/2004 Municipal Court in Lebane, 09/03/2005 Municipal Court in Lebane, 04/08/2006	02/07/2009 02/07/2009 02/07/2009	21/10/2020
15.	26824/20 10/06/2020	**Novica NIKOLIĆ** 1958	Municipal Court in Lebane, 21/04/2005	11/09/2007	18/06/2020
16.	26886/20 30/05/2020	**Jasmina KRSTIĆ** 1973	Municipal Court in Lebane, 15/10/2007	26/08/2009	25/05/2020
17.	28964/20 22/05/2020	**Violeta PERIĆ** 1976	Municipal Court in Lebane, 19/03/2009	26/08/2009	13/07/2020
18.	32131/20 22/05/2020	**Branislav - Branko STANKOVIĆ** 1949	Municipal Court in Lebane, 15/10/2007	26/08/2009	09/03/2020