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

SECOND SECTION

DECISION

Application no. 27025/20
Halima DŽANKOVIĆ against Serbia
and 47 other applications
(see appended table)

The European Court of Human Rights (Second Section), sitting on 25 August 2022 as a Committee composed of:
Jovan Ilievski*, President,*
Gilberto Felici*,*
Diana Sârcu*, judges,*
and Viktoriya Maradudina, *Acting Deputy Section Registrar,*

Having regard to the above applications lodged on the date 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 Ms R. Ćorović, a lawyer practising in Novi Pazar.

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 a socially/State-owned company were communicated to the Serbian Government ("the Government") on 20 May 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 a socially/State-owned company)

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 24 August and 15 December 2020 the sums awarded in the domestic decisions at issue were 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 15 September 2022.

Viktoriya Maradudina	Jovan Ilievski
Acting Deputy Registrar	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 period or date of entry into force of the Convention in respect of Serbia (3 March 2004)	Date of enforcement of domestic decisions
1.	27025/20 25/06/2020	**Halima DŽANKOVIĆ** 1958	Commercial Court in Kraljevo, 27/11/2003	03/03/2004	25/08/2020
2.	27026/20 25/06/2020	**Sabahudin MAVRIĆ** 1967	Commercial Court in Kraljevo, 27/11/2003	03/03/2004	24/08/2020
3.	27030/20 25/06/2020	**Mihrija MAVRIĆ** 1969	Commercial Court in Kraljevo, 27/11/2003	03/03/2004	24/08/2020
4.	27033/20 25/06/2020	**Elmaza BALIJA** 1972	Commercial Court in Kraljevo, 27/11/2003	03/03/2004	24/08/2020
5.	27039/20 25/06/2020	**Zurifa LIČINA** 1959	Commercial Court in Kraljevo, 27/11/2003	03/03/2004	25/08/2020
6.	27043/20 25/06/2020	**Mejrema ČALAKOVIĆ** 1962	Commercial Court in Kraljevo, 27/11/2003	03/03/2004	25/08/2020
7.	27046/20 25/06/2020	**Slobodanka STEFANOVIĆ** 1957	Commercial Court in Kraljevo, 27/11/2003	03/03/2004	25/08/2020
8.	27047/20 25/06/2020	**Muradija ZEKIĆ** 1969	Commercial Court in Kraljevo, 27/11/2003	03/03/2004	25/08/2020

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9.	27051/20 25/06/2020	**Jasmina BALKAN** 1961	Commercial Court in Kraljevo, 27/11/2003	03/03/2004	25/08/2020
10.	27053/20 25/06/2020	**Šefćeta HAJROVIĆ** 1964	Commercial Court in Kraljevo, 27/11/2003	03/03/2004	25/08/2020
11.	27055/20 25/06/2020	**Bajra ŠEMSOVIĆ** 1953	Commercial Court in Kraljevo, 27/11/2003	03/03/2004	25/08/2020
12.	27060/20 25/06/2020	**Jasmina BELOVOĐANIN** 1966	Commercial Court in Kraljevo, 27/11/2003	03/03/2004	25/08/2020
13.	27115/20 25/06/2020	**Atića RUGOVAC** 1958	Commercial Court in Kraljevo, 27/11/2003	03/03/2004	10/09/2020
14.	27132/20 25/06/2020	**Tima ŠABOTIĆ** 1962	Commercial Court in Kraljevo, 27/11/2003	03/03/2004	25/08/2020
15.	27135/20 25/06/2020	**Raza ŠEHOVIĆ** 1957	Commercial Court in Kraljevo, 27/11/2003	03/03/2004	15/12/2020
16.	27188/20 25/06/2020	**Bisera SADOVIĆ** 1973	Commercial Court in Kraljevo, 27/11/2003	03/03/2004	25/08/2020
17.	27607/20 25/06/2020	**Mihrija BERANAC** 1972	Commercial Court in Kraljevo, 27/11/2003	03/03/2004	25/08/2020
18.	28024/20 25/06/2020	**Fatmira MISIRLIĆ** 1974	Commercial Court in Kraljevo, 27/11/2003	03/03/2004	24/08/2020
19.	28592/20 25/06/2020	**Muamer MIRALJEMOVIĆ** 1967	Commercial Court in Kraljevo, 27/11/2003	03/03/2004	25/08/2020

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20.	28610/20 25/06/2020	**Bahrija RAMOŠEVAC** 1955	Commercial Court in Kraljevo, 27/11/2003	03/03/2004	25/08/2020
21.	28613/20 25/06/2020	**Binasa RAMOVIĆ** 1958	Commercial Court in Kraljevo, 27/11/2003	03/03/2004	25/08/2020
22.	28614/20 25/06/2020	**Ibrahim ĐERLEK** 1957	Commercial Court in Kraljevo, 27/11/2003	03/03/2004	25/08/2020
23.	28616/20 25/06/2020	**Dragana RAKOVIĆ** 1973	Commercial Court in Kraljevo, 27/11/2003	03/03/2004	25/08/2020
24.	28620/20 25/06/2020	**Ifeta BEJTOVIĆ** 1995	Commercial Court in Kraljevo, 27/11/2003	03/03/2004	25/08/2020
25.	30105/20 25/06/2020	**Faketa ZEKIĆ** 1961	Commercial Court in Kraljevo, 27/11/2003	03/03/2004	24/08/2020
26.	30296/20 25/06/2020	**Emina VEJSELOVIĆ** 1950	Commercial Court in Kraljevo, 27/11/2003	03/03/2004	24/08/2020
27.	30298/20 25/06/2020	**Hajro SULJOVIĆ** 1952	Commercial Court in Kraljevo, 27/11/2003	03/03/2004	24/08/2020
28.	30303/20 25/06/2020	**Vinojla MILENKOVIĆ** 1963	Commercial Court in Kraljevo, 27/11/2003	03/03/2004	24/08/2020
29.	30307/20 25/06/2020	**Zineta MEĐEDOVIĆ** 1962	Commercial Court in Kraljevo, 27/11/2003	03/03/2004	24/08/2020
30.	30313/20 25/06/2020	**Munevera MALIĆEVIĆ** 1966	Commercial Court in Kraljevo, 27/11/2003	03/03/2004	24/08/2020

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31.	30321/20 25/06/2020	**Suada SUBAŠIĆ** 1968	Commercial Court in Kraljevo, 27/11/2003	03/03/2004	24/08/2020
32.	30325/20 25/06/2020	**Bisera ZEKIĆ** 1961	Commercial Court in Kraljevo, 27/11/2003	03/03/2004	24/08/2020
33.	30334/20 25/06/2020	**Mediha PLUNCEVIĆ** 1955	Commercial Court in Kraljevo, 27/11/2003	03/03/2004	24/08/2020
34.	30338/20 25/06/2020	**Ljubica MILOSAVLJEVIĆ** 1963	Commercial Court in Kraljevo, 27/11/2003	03/03/2004	24/08/2020
35.	30342/20 25/06/2020	**Hasiba BIBEROVIĆ** 1957	Commercial Court in Kraljevo, 27/11/2003	03/03/2004	24/08/2020
36.	30346/20 25/06/2020	**Alija ARAPOVIĆ** 1963	Commercial Court in Kraljevo, 27/11/2003	03/03/2004	24/08/2020
37.	32458/20 25/06/2020	**Marica PUZOVIĆ** 1965	Commercial Court in Kraljevo, 27/11/2003	03/03/2004	24/08/2020
38.	32461/20 25/06/2020	**Nataša ČEKOVIĆ** 1957	Commercial Court in Kraljevo, 27/11/2003	03/03/2004	24/08/2020
39.	32462/20 25/06/2020	**Suthija RUSTIĆ** 1959	Commercial Court in Kraljevo, 27/11/2003	03/03/2004	24/08/2020
40.	32463/20 25/06/2020	**Mehdija KLADNIČANIN** 1959	Commercial Court in Kraljevo, 27/11/2003	03/03/2004	24/08/2020
41.	32465/20 25/06/2020	**Ezrena BRONJA** 1964	Commercial Court in Kraljevo, 27/11/2003	03/03/2004	15/12/2020

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42.	32466/20 25/06/2020	**Tomanija RAVIĆ** 1957	Commercial Court in Kraljevo, 27/11/2003	03/03/2004	24/08/2020
43.	32467/20 25/06/2020	**Mersida SPAHOVIĆ** 1965	Commercial Court in Kraljevo, 27/11/2003	03/03/2004	24/08/2020
44.	32468/20 25/06/2020	**Zorica ŠARAC** 1967	Commercial Court in Kraljevo, 27/11/2003	03/03/2004	24/08/2020
45.	32469/20 25/06/2020	**Zumreta PRTINAC LEVOŠ** 1961	Commercial Court in Kraljevo, 27/11/2003	03/03/2004	24/08/2020
46.	32470/20 25/06/2020	**Mujesira MUHOVIĆ** 1962	Commercial Court in Kraljevo, 27/11/2003	03/03/2004	24/08/2020
47.	32471/20 25/06/2020	**Atidža MUJKOVIĆ** 1967	Commercial Court in Kraljevo, 27/11/2003	03/03/2004	24/08/2020
48.	32472/20 25/06/2020	**Mesud RUSTIĆ** 1952	Commercial Court in Kraljevo, 27/11/2003	03/03/2004	24/08/2020