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

FIRST SECTION

DECISION

Application no. 51098/22
Radojka GARDAŠEVIĆ
against Montenegro
(see appended table)

The European Court of Human Rights (First Section), sitting on 23 January 2025 as a Committee composed of:

Erik Wennerström*, President,*
Georgios A. Serghides,
Alain Chablais*, judges,*

and Viktoriya Maradudina, *Acting Deputy Section Registrar,*

Having regard to the above application lodged on 19 October 2022,

Having regard to the observations submitted by the parties,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant's details are set out in the appended table.

The applicant was represented by Mr M. Vojinović, a lawyer practising in Nikšić.

The applicant's complaints under Article 6 § 1 of the Convention concerning the excessive length of constitutional proceedings were communicated to the Montenegrin Government ("the Government").

THE LAW

The Government informed the Court that the decision of the Constitutional Court rendered in the proceedings under consideration in the present case had been served on the applicant's counsel on 8 June 2022. They invited the Court to reject the application as out of time. The applicant disputed that fact.

In a case concerning the length of constitutional proceedings, such as the present case, the four-month time-limit for lodging an application with the Court runs from the date of service of the Constitutional Court decision rendered in those proceedings (that is, when the applicant became aware that

the constitutional proceedings at issue had ended). If the decision was served on the applicant's counsel and not on the applicant, like in the present case, the time-limit runs from the date of service on the applicant's counsel, notwithstanding the fact that the applicant only became aware of that decision later (see, for example, *Pejić v. Croatia* (dec.), no. 66894/01, 19 December 2002).

In the present case, in view of the evidence submitted by the Government, the Court finds it established that the applicant's counsel received the relevant decision on 8 June 2022. The applicant lodged his application with the Court on 19 October 2022.

Accordingly, this application has been introduced out of time and must be rejected in accordance with Article 35 §§ 1 and 4 of the Convention.

For these reasons, the Court, unanimously,

Declares the application inadmissible.

Done in English and notified in writing on 13 February 2025.

Viktoriya Maradudina Acting Deputy Registrar	Erik Wennerström President

APPENDIX

Application raising complaints under Article 6 § 1 of the Convention
(excessive length of constitutional proceedings)

Application no. Date of introduction	Applicant's name Year of birth	Start of proceedings	End of proceedings	Total length Levels of jurisdiction
51098/22 19/10/2022	**Radojka GARDAŠEVIĆ** 1960	24/07/2018	07/04/2022, The decision served on the applicant on 08/06/2022	3 year(s) and 8 month(s) and 15 day(s) 1 level(s) of jurisdiction