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

FIRST SECTION

DECISION

Application no. 30824/23
Brahim KOVAČEVIĆ and Others
against Montenegro
(see appended table)

The European Court of Human Rights (First Section), sitting on 6 February 2025 as a Committee composed of:

Georgios A. Serghides*, President*,
Frédéric Krenc,
Alain Chablais*, judges*,

and Viktoriya Maradudina, *Acting Deputy Section Registrar,*

Having regard to the above application lodged on 22 July 2023,

Having regard to the observations submitted by the parties in respect of Nebojša Marljukić and Novak Peruničić,

Having regard to the formal declarations accepting a friendly settlement of the case in respect of the other 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 M. Bulatović, a lawyer practising in Bar.

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

The Court received the friendly-settlement declarations in respect of sixteen applicants (with exception of Mr Marljukić and Mr Peruničić), signed by the parties, under which the applicants agreed to waive any further claims against Montenegro in respect of the facts giving rise to this application, subject to an undertaking by the Government to pay them the amounts detailed in the appended table. These amounts will be payable within three months from the date of notification of the Court's decision. In the event of failure to pay these amounts within the above-mentioned three-month period,

the Government undertake to pay simple interest on them, from the expiry of that period until settlement, at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points.

The payment will constitute the final resolution of the case.

THE LAW

The Government submitted that Mr Marljukić and Mr Peruničić could not claim to be victims of the alleged violation because they had not been parties to the impugned constitutional proceedings.

The applicants admitted that their counsel had indeed omitted to include their names in the constitutional appeal and that their names did not appear in the decision rendered in the constitutional proceedings at issue, but explained that this was due to an obvious mistake made by their counsel.

The Court finds it established that Mr Marljukić and Mr Peruničić, unlike the remaining applicants in the present case, were not parties to the impugned constitutional proceedings. Accordingly, they have never been affected by the length of the proceedings and cannot be considered victims of the alleged breach.

It follows that the application in that part is incompatible *ratione personae* within the meaning of Article 35 § 3 of the Convention and must be rejected pursuant to Article 35 § 4 of the Convention in respect of these two applicants.

The Court further takes note of the friendly settlement reached between the remaining applicants and the Government. It is satisfied that the settlement is based on respect for human rights as defined in the Convention and the Protocols thereto and finds no reasons to justify a continued examination of the application in that part.

Accordingly, it is appropriate to strike the case out of the list in respect of these sixteen applicants.

For these reasons, the Court, unanimously,

Declares the application inadmissible in respect of Nebojša Marljukić and Novak Peruničić;

Decides to strike the application out of its list of cases in accordance with Article 39 of the Convention in respect of the remaining sixteen applicants.

Done in English and notified in writing on 6 March 2025.

Viktoriya Maradudina Acting Deputy Registrar	Georgios A. Serghides 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	Date of receipt of Government's declaration	Date of receipt of Applicants' declaration	Amount awarded for non-pecuniary damage per applicant (in euros)[1]	Amount awarded for costs and expenses per application (in euros)[2]
30824/23 22/07/2023 (18 applicants)	**Brahim KOVAČEVIĆ** 1971 **Boro ANDRIJAŠEVIĆ** 1960 **Vejsel BADŽOVIĆ** 1979 **Esad BAJRAMOVIĆ** 1977 **Ramadan BEGZIĆ** 1971 **Željko JOVALEKIĆ** 1965 **Vladimir KUBUROVIĆ** 1961 **Miloš MARKOVIĆ** 1971 **Nebojša MARLJUKIĆ** 1972	24/04/2024	22/04/2024	1,100, in respect of sixteen applicants (save for Nebojša Marljukić and Novak Peruničić)	250, in respect of sixteen applicants (save for Nebojša Marljukić and Novak Peruničić)

Application no. Date of introduction	Applicant's name Year of birth	Date of receipt of Government's declaration	Date of receipt of Applicants' declaration	Amount awarded for non-pecuniary damage per applicant (in euros)[1]	Amount awarded for costs and expenses per application (in euros)[2]
	Ćemal PELINKOVIĆ 1977 **Isat PELINKOVIĆ** 1978 **Osman PERAZIĆ** 1971 **Zijad PERAZIĆ** 1975 **Novak PERUNIČIĆ** 1964 **Esad ŠABOVIĆ** 1982 **Hadžija ŠABOVIĆ** 1975 **Mehmed VELOVIĆ** 1972 **Mustafa ZUĐELOVIĆ** 1976				

[1] Plus any tax that may be chargeable to the applicants.
[2] Plus any tax that may be chargeable to the applicants.