

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

THIRD SECTION

DECISION

Application no. 24582/23
Jasna NEGIĆ against Serbia
and 2 other applications
(see appended table)

The European Court of Human Rights (Third Section), sitting on 7 May 2025 as a Committee composed of:

Oddný Mjöll Arnardóttir*, President*,
Úna Ní Raifeartaigh,
Mateja Đurović*, judges*,
and Viktoriya Maradudina, *Acting Deputy Section Registrar,*

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

Having regard to the observations submitted by parties,

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 A. Đorić, a lawyer practising in Belgrade.

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 against a socially/State-owned company were communicated to the Serbian Government ("the Government").

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

The Government stated that the domestic decisions under consideration were not against a socially/State-owned company, but against a private company. The applicants agreed.

The Court notes that the State responsibility for enforcement of a judgment against a private company extends no further than the involvement of State bodies in the enforcement procedures. Once the enforcement procedures were closed by a court in accordance with domestic law, the responsibility of the State ended (see *Shestakov v. Russia* (dec.), no. 48757/99, 18 June 2002). The Court has further held that, when an applicant's debtor is a private person, a failure to enforce a judgment because of the debtor's indigence cannot be held against the State unless and to the extent that it is imputable to the domestic authorities, for example, to their errors or delay in proceeding with the enforcement (see *Omasta v. Slovakia* (dec.), no. 40221/98, 10 December 2002).

Turning to the present case, in 2011 the competent commercial court made a winding-up order against the debtor. The applicant and 697 other creditors registered their claims with the liquidator. The court accepted the applicants' claims on 17 January 2012. After three unsuccessful auctions, the debtor company, together with all its tangible property, was sold on 22 October 2013. The proceeds from the sale were distributed among the creditors pursuant to domestic law. The applicants thus received around 28% of their claims. The applicants complained about the non-enforcement of the domestic decisions under consideration before domestic courts, relying on the Right to a Trial within a Reasonable Time Act. The domestic courts found that there had been no errors or delays attributable to the State and dismissed their complaints. The final decision in that regard was rendered by the Constitutional Court on 2 February 2023 and was served on the applicants on 13 February 2023.

Having examined all the material before it, the Court sees no reason to disagree with the finding of the domestic courts.

In view of the above, the Court finds that these complaints are manifestly ill-founded and must be rejected in accordance with Article 35 §§ 3 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 28 May 2025.

Viktoriya Maradudina Acting Deputy Registrar	Oddný Mjöll Arnardóttir 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)

No.	Application no. Date of introduction	Applicant's name Year of birth	Relevant domestic decision
1.	24582/23 09/06/2023	**Jasna NEGIĆ** 1970	Commercial Court in Belgrade, 17/01/2012
2.	24629/23 09/06/2023	**Slaviša STIJAKOVIĆ** 1955	Commercial Court in Belgrade, 17/01/2012
3.	25611/23 12/06/2023	**Tomka JOVANOVIĆ** 1959	Commercial Court in Belgrade, 17/01/2012