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

FOURTH SECTION

DECISION

Application no. 8648/21
Nada PERIŠIĆ
against Serbia

The European Court of Human Rights (Fourth Section), sitting on 7 March 2024 as a Committee composed of:

Anja Seibert-Fohr*, President*,
Anne Louise Bormann,
Sebastian Răduleţu*, judges*,

and Viktoriya Maradudina, *Acting Deputy Section Registrar,*

Having regard to the above application lodged on 29 January 2021,

Having regard to the observations submitted by the respondent Government and the observations in reply submitted by the applicant,

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 R. Glavonjić, a lawyer practising in Čačak.

The applicant's complaint under Article 6 § 1 of the Convention concerning the delayed enforcement of a domestic decision was communicated to the Serbian Government ("the Government") on 6 April 2023.

THE LAW

The Government submitted that the applicant had failed to inform the Court that in 2020 and 2022 the national authorities had acknowledged the alleged breach and had awarded her 800 euros (EUR) for non-pecuniary damage suffered as a consequence of it. The Government therefore invited the Court to reject the application as an abuse of the right of individual application in accordance with Article 35 §§ 3 (a) and 4 of the Convention.

The applicant neither disputed the facts submitted by the Government nor provided any explanation for the failure to inform the Court about them.

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, for example, *Gross v. Switzerland* [GC], no. 67810/10, § 28, ECHR 2014, and *Mulka v. Serbia* (dec.) [Committee], no. 32861/20, 24 March 2022).

Turning to the present case, the Court notes that the competent authorities acknowledged the alleged breach on 20 February 2020. In accordance with that decision, the applicant has been entitled to seek compensation in that connection and she did so (on 7 February 2022 she was awarded EUR 800 in non-pecuniary damage). The applicant did not inform the Court about these developments before notice of the application was given to the Government. The Court only learned about it from the Government's observations of 14 August 2023. No convincing explanation for that omission was provided.

Having regard to the fact that the information withheld concerned the very core of the application, 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 this application constitutes 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,

Declares the application inadmissible.

Done in English and notified in writing on 28 March 2024.

Viktoriya Maradudina Acting Deputy Registrar	Anja Seibert-Fohr President

APPENDIX

Application raising complaints under Article 6 § 1 of the Convention (non-enforcement or delayed enforcement of domestic decisions)

Application no. Date of introduction	Applicant's name Year of birth	Relevant domestic decision	Start date of non-enforcement period	End date of non-enforcement period Length of enforcement proceedings
8648/21 29/01/2021	**Nada PERIŠIĆ** 1951	Commercial Court in Čačak, 06/12/2006	06/12/2006	10/05/2021 14 years, 5 months and 5 days