



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

THIRD SECTION

DECISION

Application no. 33470/16
Ramiz BIHORAC
against Serbia
(see appended table)

The European Court of Human Rights (Third Section), sitting on 29 August 2019 as a Committee composed of:

Dmitry Dedov, *President*,

Alena Poláčková,

Gilberto Felici, *judges*,

and Liv Tigerstedt, *Acting Deputy Section Registrar*,

Having regard to the above application lodged on 6 June 2016,

Having regard to the observations submitted by the respondent Government,

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 E. Ejupović, a lawyer practising in Novi Pazar.

The applicant's complaints under Articles 6 § 1 and 13 of the Convention and Article 1 of Protocol No. 1, concerning the non-enforcement of a domestic decision given against a socially/State-owned company, were communicated to the Serbian Government ("the Government") on 25 May 2018.

THE LAW

The Government submitted that the applicant had failed to inform the Court of the fact that the final judgment in his favour had been partially enforced. They 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 failed to comment on the Government's submission.

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 *Bihorac Hajdaragić v. Serbia* (dec.) [Committee], no. 34929/16, 6 November 2018).

Turning to the present case, the Court observes that on 30 June 2017 the applicant was paid 326,234.71 RSD (53.85% of the total claim). The applicant did not inform the Court about that development before notice of the application 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 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 the present 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 19 September 2019.

Liv Tigerstedt
Acting Deputy Registrar

Dmitry Dedov
President

APPENDIX

Application raising complaints under Articles 6 § 1 and 13 of the Convention and Article 1 of Protocol No.1

(non-enforcement of a domestic decision given against a socially/State-owned company)

Application no. Date of introduction	Applicant's name Date of birth	Relevant domestic decision	Start date of non-enforcement period	Date of partial enforcement of domestic decision
33470/16 06/06/2016	Ramiz Bihorac 15/01/1963	Municipal Court in Novi Pazar, 27/09/2006	17/11/2006	30/06/2017