



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

THIRD SECTION

DECISION

Application no. 64233/16
Zlatija KOLAŠINAC
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 28 October 2016,

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 E. Fetahović, a lawyer practising in Novi Pazar.

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

THE LAW

The Government claimed that the applicant had failed to exhaust all effective domestic remedies as required by Article 35 § 1 of the Convention: notably, the remedies provided by the Right to a Trial within a Reasonable Time Act (*Zakon o zaštiti prava na suđenje u razumnom roku*, published in Official Gazette no. 40/2015) and the constitutional appeal.

The applicant raised doubts as to the effectiveness of those remedies.

COUNCIL OF EUROPE



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The Court has held on many occasions that the constitutional appeal is an effective remedy in this type of cases as from 22 June 2012 (see *Marinković v. Serbia* (dec.), no. 5353/11, § 59, 29 January 2013). There is no reason to decide otherwise in the present case, which was introduced before the Court in October 2016. As concerns the remedies provided by the Right to a Trial within a Reasonable Time Act, if the applicant, for any reason, considered them ineffective, she should have raised that issue in her constitutional appeal.

In view of the above, the Court finds that the present application is inadmissible for non-exhaustion of domestic remedies 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 19 September 2019.

Liv Tigerstedt
Acting Deputy Registrar

Dmitry Dedov
President

APPENDIX

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

(non-enforcement or delayed enforcement of domestic decisions given against socially/State-owned companies)

Application No. Date of introduction	Applicant's name Date of birth	Relevant domestic decision	Start date of non-enforcement period	End date of non-enforcement period Length of enforcement proceedings
64233/16 28/10/2016	Zlatija Kolašinac 14/11/1950	Municipal Court in Novi Pazar, 01/09/2003	31/10/2003	pending More than 15 year(s) and 7 month(s) and 27 day(s)
		Municipal Court in Novi Pazar, 21/02/2006	11/05/2006	pending More than 13 year(s) and 1 month(s) and 16 day(s)
		Municipal Court in Novi Pazar, 06/03/2007	05/04/2007	28/03/2018 10 year(s) and 11 month(s) and 24 day(s)