



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

THIRD SECTION

DECISION

Application no. 76024/16
Zoran LAZIĆ
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 1 December 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's complaint under Article 6 § 1 of the Convention concerning the excessive length of civil proceedings was communicated to the Serbian Government ("the Government").

THE LAW

The Government submitted that the applicant had failed to notify the Court of a decision given by the Constitutional Court on 25 September 2014 finding a breach of his right to a trial within a reasonable time and awarding him 600 euros for non-pecuniary damage. 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 did not dispute that fact.

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 *Markišić v. Serbia* (dec.) [Committee], no. 45825/15, 14 May 2019).

Turning to the present case, the Court notes that on 25 September 2014 the Constitutional Court found a violation of the applicant's right to a trial within a reasonable time and awarded him compensation for non-pecuniary damage. The applicant did not inform the Court about that decision 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.

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 Article 6 § 1 of the Convention

(excessive length of civil proceedings)

| Application no. Date of introduction | Applicant's name Date of birth | Start of proceedings | End of proceedings | Total length Levels of jurisdiction |
|---|-----------------------------------|----------------------|--------------------|--|
| 76024/16 01/12/2016 | Zoran Lazić 02/02/1948 | 14/07/2008 | 28/04/2015 | 6 year(s) and 9 month(s) and 15 day(s) 2 level(s) of jurisdiction |