



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

## THIRD SECTION

### DECISION

Application no. 41375/16  
Slobodan MLADENVIĆ against Serbia  
and 2 other applications  
(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 applications lodged on 6 July 2016,

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

Having deliberated, decides as follows:

### FACTS AND PROCEDURE

The list of applicants is set out in the appended table.

The applicants were represented by Mr N. Antić, a lawyer practising in Vladičin Han.

The applicants' complaints under Articles 6 § 1 and 13 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") in May 2018.

### 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.

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**B. Complaints under Articles 6 § 1 and 13 of the Convention and Article 1 of Protocol No. 1 (non-enforcement of domestic decisions given against a socially/State-owned company)**

The Government submitted that the applicants had failed to inform the Court that the competent court had acknowledged the alleged breach and had awarded them different amounts in respect of non-pecuniary damage (see the appended table). They therefore suggested that the Court reject the applications as an abuse of the right of individual application in accordance with Article 35 §§ 3 (a) and 4 of the Convention.

The applicants did not dispute that fact, but considered it irrelevant.

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 *Mine-Projekt DOO v. Serbia* (dec.) [Committee], no. 3822/10, 5 January 2017).

Turning to the present case, the Court observes that the domestic courts acknowledged the alleged breach and afforded redress for it. The applicants did not inform the Court about that development before notice of the applications was given to the Government and no convincing explanation for this omission was provided.

Having regard to the fact that the information withheld concerned the very core of the applications, 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 willful 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 these applications constitute an abuse of the right of individual application within the meaning of Article 35 § 3 (a) *in fine* of the Convention. They must therefore be rejected pursuant to Article 35 § 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 19 September 2019.

Liv Tigerstedt  
Acting Deputy Registrar

Dmitry Dedov  
President

## APPENDIX

List of applications raising complaints under Article 6 § 1 and 13 of the Convention and Article 1 of Protocol No.1

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

No.	Application no. Date of introduction	Applicant Date of birth	Final domestic decision	Enforcement order	Final domestic decision concerning the claim that the proceedings had been of excessive length	Final domestic decision concerning the claim for compensation for non-pecuniary damage  Amount awarded
1.	41375/16 06/07/2016	<b>Slobodan Mladenović</b> 19/09/1955	Municipal Court in Vladičin Han, 07/10/2003  Municipal Court in Vladičin Han, 11/05/2004	Municipal Court in Vladičin Han, 05/03/2004  Municipal Court in Vladičin Han, 03/09/2004	Vladičin Han Court of First Instance, 26/07/2017  Vladičin Han Court of First Instance, 08/06/2017	Vladičin Han Court of First Instance, 18/12/2017, 400 euros  Vladičin Han Court of First Instance, 15/01/2018, 400 euros
2.	43653/16 06/07/2016	<b>Svetlana Jović</b> 10/02/1968	Municipal Court in Vladičin Han, 26/08/2003  Municipal Court in Vladičin Han, 01/06/2004	Municipal Court in Vladičin Han, 03/11/2003  Municipal Court in Vladičin Han, 13/08/2004	Vladičin Han Court of First Instance, 20/11/2017  Vladičin Han Court of First Instance, 20/07/2017	Vladičin Han Court of First Instance, 27/07/2018, 300 euros  Vladičin Han Court of First Instance, 11/01/2018, 400 euros
3.	10680/18 06/07/2016	<b>Vesna Stevanović</b> 31/10/1964	Municipal Court in Vladičin Han, 02/10/2003  Municipal Court in Vladičin Han, 06/04/2004	Municipal Court in Vladičin Han, 05/02/2004  Commercial Court in Leskovac, 15/05/2014	Vladičin Han Court of First Instance, 14/06/2017  -	Vladičin Han Court of First Instance, 23/11/2017, 400 euros  -