



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

FOURTH SECTION

DECISION

Application no. 42827/17
Zvonko STAMENKOVIĆ
against Serbia
(see appended table)

The European Court of Human Rights (Fourth Section), sitting on 29 September 2020 as a Committee composed of:

Stéphanie Mourou-Vikström, *President*,

Georges Ravarani,

Jolien Schukking, *judges*,

and Liv Tigerstedt, *Acting Deputy Section Registrar*,

Having regard to the above application lodged on 6 June 2017,

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 complaints under Article 6 § 1 of the Convention and Article 1 of Protocol No. 1 concerning the non-enforcement or delayed enforcement of a domestic decision given against a socially/State-owned company were communicated to the Serbian Government ("the Government") on 16 March 2020.

THE LAW

The Government submitted that the final domestic decision in the applicant's favour had been enforced.

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

Turning to the present case, the Court observes that on 27 August 2018 the sum awarded in the domestic decision at issue was fully paid by the State. 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.

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 22 October 2020.

Liv Tigerstedt
Acting Deputy Registrar

Stéphanie Mourou-Vikström
President

STAMENKOVIĆ v. SERBIA DECISION

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	Date of enforcement of domestic decision
42827/17 06/06/2017	Zvonko STAMENKOVIĆ 06/02/1954	Municipal Court in Leskovac, 23/12/2002	23/08/2005	27/08/2018