



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

FOURTH SECTION

DECISION

Application no. 19207/17
Milan TANASKOVIĆ against Serbia
and 20 other applications
(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 applications lodged on the various dates indicated in the appended table,

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 list of applicants is set out in the appended table.

The applicants were represented by Ms D. Janković, a lawyer practising in Čačak.

The applicants' complaints under Article 6 § 1 of the Convention and Article 1 of Protocol No. 1 concerning the non-enforcement of domestic decisions given against socially/State-owned companies were communicated to the Serbian Government ("the Government") on 25 February 2020.

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.

B. 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)

The Government submitted that the final domestic decisions in the applicants' favour had been enforced.

The applicants 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 between 8 March 2017 and 31 March 2019 the sums awarded in the domestic decisions at issue were fully paid by the State. The applicants did not inform the Court about that development before notice of the applications 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 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 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 these applications constitute an abuse of the right of individual application and must be rejected in accordance with Article 35 §§ 3 (a) and 4 of the Convention.

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For these reasons, the Court, unanimously,

Decides to join the applications;

Declares the applications inadmissible.

Done in English and notified in writing on 22 October 2020.

Liv Tigerstedt
Acting Deputy Registrar

Stéphanie Mourou-Vikström
President

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APPENDIX

List of applications 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)

No.	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
1.	19207/17 01/03/2017	Milan TANASKOVIĆ 09/04/1958	Municipal Court in Čačak, 19/08/2009	05/03/2010	08/03/2017
2.	62353/17 18/08/2017	Milovan RUŽIČIĆ 09/04/1962	Municipal Court in Čačak, 20/02/2008	21/05/2008	31/10/2017
3.	73020/17 29/09/2017	Đurdija MILOŠEVIĆ 23/07/1947	Municipal Court in Čačak, 07/02/2008	21/05/2008	31/10/2017
4.	73022/17 29/09/2017	Radoš MILOŠEVIĆ 09/10/1947	Municipal Court in Čačak, 07/02/2008	21/05/2008	31/10/2017
5.	75553/17 19/10/2017	Milutin MILOŠEVIĆ 06/08/1953	Municipal Court in Čačak, 28/03/2008	27/10/2008	01/11/2017
6.	75835/17 20/10/2017	Radomir NIKOLIĆ 01/06/1954	Municipal Court in Čačak, 25/02/2008	07/07/2008	07/11/2017
7.	75845/17 20/10/2017	Jovan JOVANOVIĆ 15/02/1957	Municipal Court in Čačak, 25/02/2008	07/07/2008	07/11/2017
8.	75851/17 19/10/2017	Branko TOMIĆ 26/09/1958	Municipal Court in Čačak, 28/03/2008	27/10/2008	31/10/2017
9.	75864/17 20/10/2017	Jeremija KOTLAJIĆ 01/06/1954	Municipal Court in Čačak, 21/01/2008	19/03/2009	07/11/2017
10.	75867/17 20/10/2017	Dragan MARKOVIĆ 26/11/1952	Municipal Court in Čačak, 25/02/2008	07/07/2008	07/11/2017
11.	75869/17 20/10/2017	Milinko MILOJEVIĆ 09/05/1948	Municipal Court in Čačak, 08/07/2008	06/03/2009	08/11/2017

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No.	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
12.	77835/17 04/11/2017	Olga ĐOKIĆ 21/02/1952	Municipal Court in Čačak, 18/06/2009	25/01/2010	19/12/2017
13.	77840/17 04/11/2017	Zoran ĐURIĆ 25/10/1966	Municipal Court in Čačak, 12/03/2008	10/06/2008	19/12/2017
14.	78221/17 04/11/2017	Vučeta JAKOVLJEVIĆ 15/05/1959	Municipal Court in Čačak, 18/06/2009	25/01/2010	19/12/2017
15.	78250/17 04/11/2017	Nada PANIĆ 14/03/1951	Municipal Court in Čačak, 08/07/2008	06/03/2009	08/11/2017
16.	78331/17 04/11/2017	Milan TANOVIĆ 27/10/1948	Municipal Court in Čačak, 08/07/2008	06/03/2009	08/11/2017
17.	78431/17 04/11/2017	Zoran GRBIĆ 25/04/1965	Municipal Court in Čačak, 12/03/2008	10/06/2008	19/12/2017
18.	52202/18 19/10/2018	Nenad RUŽIČIĆ 25/03/1957	Čačak Court of First Instance, 03/02/2012	13/02/2014	15/11/2018
19.	53103/18 24/10/2018	Dimitrije MILADINOVIĆ 13/01/1958	Municipal Court in Čačak, 31/01/2008 Municipal Court in Čačak, 18/06/2009	01/12/2008 26/03/2010	31/10/2018 31/10/2018
20.	53114/18 24/10/2018	Miodrag BORIŠIĆ 20/07/1961	Municipal Court in Čačak, 31/01/2008	01/12/2008	30/10/2018
21.	55242/18 05/11/2018	Miroljub MITROVIĆ 15/03/1950	First Municipal Court in Belgrade, 18/10/2005	22/03/2006	30/01/2019