



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

SECOND SECTION

DECISION

Application no. 23200/20
Branka BELIĆ BABIĆ against Serbia
and 25 other applications
(see appended table)

The European Court of Human Rights (Second Section), sitting on 25 August 2022 as a Committee composed of:

Jovan Ilievski, *President*,

Gilberto Felici,

Diana Sârcu, *judges*,

and Viktoriya Maradudina, *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 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 R. Čakara, a lawyer practising in Novi Pazar.

The applicants' complaints under Article 6 § 1 of the Convention and Article 1 of Protocol No. 1 concerning the non-enforcement or delayed enforcement of domestic decisions given against a socially/State-owned company were communicated to the Serbian Government ("the Government") on 20 May 2021.

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 actually been enforced. 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.

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 *Nikolić and Others v. Serbia* (dec.) [Committee], nos. 48162/18 and 8 others, 21 January 2021).

Turning to the present case, the Court observes that between 15 December 2020 and 22 February 2021 the sums awarded in the domestic decisions at issue were paid by the State in accordance with the domestic law (see *Stevanović and Others v. Serbia*, nos. 43815/17 and 15 others, § 17, 27 August 2019). 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.

For these reasons, the Court, unanimously,

Decides to join the applications;

Declares the applications inadmissible.

Done in English and notified in writing on 15 September 2022.

Viktoriya Maradudina
Acting Deputy Registrar

Jovan Ilievski
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 Year of birth	Relevant domestic decision	Start date of non-enforcement period or date of entry into force of the Convention in respect of Serbia (3 March 2004)	Date of enforcement of domestic decisions
1.	23200/20 04/06/2020	Branka BELIĆ BABIĆ 1964	Commercial Court in Kraljevo, 27/11/2003	03/03/2004	19/02/2021
2.	23201/20 04/06/2020	Muamera RAMČIĆ 1954	Commercial Court in Kraljevo, 27/11/2003	03/03/2004	19/02/2021
3.	25248/20 28/05/2020	Semir KAMBOVIĆ 1988	Commercial Court in Kraljevo, 27/11/2003	03/03/2004	19/02/2021
4.	25431/20 10/06/2020	Milica KLISARIĆ - SARIĆ 1962	Commercial Court in Kraljevo, 27/11/2003	03/03/2004	19/02/2021
5.	25432/20 10/06/2020	Sabaheta ŠAĆIROVIĆ NUROVIĆ 1960	Commercial Court in Kraljevo, 27/11/2003	03/03/2004	19/02/2021
6.	25566/20 11/06/2020	Ismeta ROŽAJAC 1957	Commercial Court in Kraljevo, 27/11/2003	03/03/2004	15/12/2020
7.	25649/20 02/06/2020	Miladija ĐURKOVIĆ 1969	Commercial Court in Kraljevo, 27/11/2003	03/03/2004	19/02/2021
8.	25741/20 05/06/2020	Ismet ŠUSTERAC 1954	Commercial Court in Kraljevo, 27/11/2003	03/03/2004	19/02/2021

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9.	25841/20 09/06/2020	Radomirka PETROVIĆ 1961	Commercial Court in Kraljevo, 27/11/2003	03/03/2004	19/02/2021
10.	25842/20 09/06/2020	Sadija BRUNČEVIĆ KAČAR 1964	Commercial Court in Kraljevo, 27/11/2003	03/03/2004	19/02/2021
11.	25856/20 01/06/2020	Hamo VATIĆ 1950	Commercial Court in Kraljevo, 27/11/2003	03/03/2004	15/12/2020
12.	25862/20 03/06/2020	Cmiljana VULOVIĆ 1958	Commercial Court in Kraljevo, 27/11/2003	03/03/2004	19/02/2021
13.	26763/20 09/06/2020	Senabija ĐUKIĆ 1963	Commercial Court in Kraljevo, 27/11/2003	03/03/2004	15/12/2020
14.	26767/20 09/06/2020	Senada FERIZOVIĆ BAHTIJAREVIĆ 1966	Commercial Court in Kraljevo, 27/11/2003	03/03/2004	19/02/2021
15.	26770/20 09/06/2020	Bećira BILALOVIĆ 1970	Commercial Court in Kraljevo, 27/11/2003	03/03/2004	15/12/2020
16.	26778/20 09/06/2020	Nusreta HASIĆ 1960	Commercial Court in Kraljevo, 27/11/2003	03/03/2004	19/02/2021
17.	26808/20 02/06/2020	Slobodan VRANIĆ 1970	Commercial Court in Kraljevo, 27/11/2003	03/03/2004	19/02/2021
18.	26814/20 12/06/2020	Mladen MAKOJEVIĆ 1974	Commercial Court in Kraljevo, 27/11/2003	03/03/2004	19/02/2021
19.	26858/20 03/06/2020	Mujesira ZAIMOVIĆ 1958	Commercial Court in Kraljevo, 27/11/2003	03/03/2004	15/12/2020

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20.	26868/20 05/06/2020	Darko MARKOVIĆ 1973	Commercial Court in Kraljevo, 27/11/2003	03/03/2004	15/12/2020
21.	26870/20 05/06/2020	Sanija HAMIDOVIĆ 1972	Commercial Court in Kraljevo, 27/11/2003	03/03/2004	15/12/2020
22.	30881/20 23/06/2020	Rada MILOJEVIĆ 1966	Commercial Court in Kraljevo, 27/11/2003	03/03/2004	22/02/2021
23.	31760/20 23/06/2020	Sejdo MEHMEDOVIĆ 1946	Commercial Court in Kraljevo, 27/11/2003	03/03/2004	19/02/2021
24.	32852/20 16/07/2020	Mevljuda LATOVIĆ 1969	Commercial Court in Kraljevo, 27/11/2003	03/03/2004	19/02/2021
25.	32887/20 20/07/2020	Ljiljana MIJAILOVIĆ 1967	Commercial Court in Kraljevo, 27/11/2003	03/03/2004	19/02/2021
26.	33046/20 16/07/2020	Adem MURIĆ 1962	Commercial Court in Kraljevo, 27/11/2003	03/03/2004	19/02/2021