



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

SECOND SECTION

**CASE OF MEHMEDOVIĆ AND OTHERS v. SERBIA**

*(Applications nos. 23202/20 and 14 others –see appended list)*

JUDGMENT

STRASBOURG

29 September 2022

*This judgment is final but it may be subject to editorial revision.*



**In the case of Mehmedović and Others v. Serbia,**

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

Jovan Ilievski, *President*,

Gilberto Felici,

Diana Sârcu, *judges*,

and Viktoriya Maradudina, *Acting Deputy Section Registrar*,

Having deliberated in private on 8 September 2022,

Delivers the following judgment, which was adopted on that date:

## PROCEDURE

1. The case originated in applications against Serbia lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) on the various dates indicated in the appended table.

2. The applicants were represented by R. Čakara, a lawyer practising in Novi Pazar.

3. The Serbian Government (“the Government”) were given notice of the applications on 20 May 2021.

## THE FACTS

4. The list of applicants and the relevant details of the applications are set out in the appended table.

5. The applicants complained of the delayed enforcement of domestic decisions given against socially/State-owned companies.

## THE LAW

### I. JOINDER OF THE APPLICATIONS

6. Having regard to the similar subject matter of the applications, the Court finds it appropriate to examine them jointly in a single judgment.

### II. ALLEGED VIOLATION OF ARTICLE 6 § 1 OF THE CONVENTION AND OF ARTICLE 1 OF PROTOCOL NO. 1

7. The applicants complained of the delayed enforcement of domestic decisions given in their favour. They relied, expressly or in substance, on Article 6 § 1 of the Convention and on Article 1 of Protocol No. 1, which read as follows:

**Article 6 § 1**

“In the determination of his civil rights and obligations ... everyone is entitled to a fair ... hearing ... by [a] ... tribunal ...”

**Article 1 of Protocol No. 1**

“Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.

The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties.”

8. The Court reiterates that the execution of a judgment given by any court must be regarded as an integral part of a “hearing” for the purposes of Article 6. It also refers to its case-law concerning the non-enforcement or delayed enforcement of final domestic judgments (see *Hornsby v. Greece*, no. 18357/91, § 40, *Reports of Judgments and Decisions* 1997-II).

9. The Court further notes that the decisions in the present applications ordered specific action to be taken. The Court therefore considers that the decisions in question constitute “possessions” within the meaning of Article 1 of Protocol No. 1.

10. In the leading case of *R. Kačapor and Others v. Serbia*, nos. 2269/06 and 5 others, 15 January 2008, the Court already found a violation in respect of issues similar to those in the present case.

11. Having examined all the material submitted to it, the Court has not found any fact or argument capable of persuading it to reach a different conclusion on the admissibility and merits of these complaints. Notably, the Court notes that the domestic decisions in question were finally enforced after the communication of the applications to the Government (see the appended table; contrast *Nikolić and Others v. Serbia* (dec.) [Committee], nos. 48162/18 and 8 others, 21 January 2021). The Government’s objection that the applications constituted an abuse of the right of petition, because the applicants had failed to inform the Court that the domestic decisions in question had meanwhile been enforced, must therefore be dismissed. Having regard to its case-law on the subject, the Court considers that in the instant case the authorities did not deploy all necessary efforts to enforce in due time the domestic decisions in the applicants’ favour.

12. These complaints are therefore admissible and disclose a breach of Article 6 § 1 of the Convention and Article 1 of Protocol No. 1.

**III. APPLICATION OF ARTICLE 41 OF THE CONVENTION**

13. Article 41 of the Convention provides:

“If the Court finds that there has been a violation of the Convention or the Protocols thereto, and if the internal law of the High Contracting Party concerned allows only partial reparation to be made, the Court shall, if necessary, afford just satisfaction to the injured party.”

14. Regard being had to the documents in its possession and to its case-law (see, in particular, *R. Kačapor and Others*, cited above, and *Stanković v. Serbia* (dec.), 41285/19, 19 December 2019), the Court considers it reasonable to award the sums indicated in the appended table.

15. The Court further considers it appropriate that the default interest rate should be based on the marginal lending rate of the European Central Bank, to which should be added three percentage points.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Decides* to join the applications;
2. *Declares* the applications admissible;
3. *Holds* that these applications disclose a breach of Article 6 § 1 of the Convention and Article 1 of Protocol No. 1 concerning the delayed enforcement of domestic decisions given against socially/State-owned companies;
4. *Holds*
  - (a) that the respondent State is to pay the applicants, within three months, the amounts indicated in the appended table, to be converted into the currency of the respondent State at the rate applicable at the date of settlement;
  - (b) that from the expiry of the above-mentioned three months until settlement simple interest shall be payable on the above amounts at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points.

Done in English, and notified in writing on 29 September 2022, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

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)	End date of non- enforcement period Length of enforcement proceedings	Amount awarded for non-pecuniary damage per applicant/household (in euros) <sup>1 2</sup>	Amount awarded for costs and expenses per application (in euros) <sup>3</sup>
1.	23202/20 05/06/2020	<b>Binasa MEHMEDOVIĆ</b> 1972	Commercial Court in Kraljevo, 27/11/2003	03/03/2004	09/07/2021 17 year(s) and 4 month(s) and 7 day(s)	1,000	250
2.	25229/20 03/06/2020	<b>Ramiza DUPLJAK VUČELJ</b> 1964	Commercial Court in Kraljevo, 27/11/2003	03/03/2004	09/07/2021 17 year(s) and 4 month(s) and 7 day(s)	1,000	250
3.	25243/20 02/06/2020	<b>Nuradija HAJDARPAŠIĆ - FEJZOVIĆ</b> 1963	Commercial Court in Kraljevo, 27/11/2003	03/03/2004	09/07/2021 17 year(s) and 4 month(s) and 7 day(s)	1,000	250
4.	25446/20 08/06/2020	<b>Srba GLIŠOVIĆ - JOLOVIĆ</b> 1959	Commercial Court in Kraljevo, 27/11/2003	03/03/2004	09/07/2021 17 year(s) and 4 month(s) and 7 day(s)	1,000	250
5.	25449/20 08/06/2020	<b>Safeta HAMIDOVIĆ - SINANOVIĆ</b> 1961	Commercial Court in Kraljevo, 27/11/2003	03/03/2004	09/07/2021 17 year(s) and 4 month(s) and 7 day(s)	1,000	250
6.	25572/20 10/05/2020	<b>Dana MILETIĆ - FILOMONOVIĆ</b> 1965	Commercial Court in Kraljevo, 27/11/2003	03/03/2004	09/07/2021 17 year(s) and 4 month(s) and 7 day(s)	1,000	250

<sup>1</sup> Plus any tax that may be chargeable to the applicants.

<sup>2</sup> Less any amounts which may have already been paid in that regard at the domestic level.

<sup>3</sup> Plus any tax that may be chargeable to the applicants.

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7.	26765/20 08/06/2020	<b>Jagoda JAKOVLJEVIĆ ČOROVIĆ</b> 1962	Commercial Court in Kraljevo, 27/11/2003	03/03/2004	09/07/2021 17 year(s) and 4 month(s) and 7 day(s)	1,000	250
8.	26793/20 11/06/2020	<b>Slavica ROGLIĆ BARAĆ</b> 1961	Commercial Court in Kraljevo, 27/11/2003	03/03/2004	09/07/2021 17 year(s) and 4 month(s) and 7 day(s)	1,000	250
9.	26797/20 11/06/2020	<b>Mašo DREKOVIĆ</b> 1956	Commercial Court in Kraljevo, 27/11/2003	03/03/2004	09/07/2021 17 year(s) and 4 month(s) and 7 day(s)	1,000	250
10.	26861/20 04/06/2020	<b>Jadranka ARSENTIJEVIĆ VULOVIĆ</b> 1975	Commercial Court in Kraljevo, 27/11/2003	03/03/2004	09/07/2021 17 year(s) and 4 month(s) and 7 day(s)	1,000	250
11.	26866/20 05/06/2020	<b>Ljiljana NIKOLIĆ DRMANJIĆ</b> 1972	Commercial Court in Kraljevo, 27/11/2003	03/03/2004	09/07/2021 17 year(s) and 4 month(s) and 7 day(s)	1,000	250
12.	26878/20 05/06/2020	<b>Mahija ŠABANOVIĆ</b> 1958	Commercial Court in Kraljevo, 27/11/2003	03/03/2004	09/07/2021 17 year(s) and 4 month(s) and 7 day(s)	1,000	250
13.	31806/20 23/06/2020	Household <b>Elvedin FERIZOVIĆ</b> 1991 <b>Dženan FERIZOVIĆ</b> 1997	Commercial Court in Kraljevo, 27/11/2003	03/03/2004	09/07/2021 17 year(s) and 4 month(s) and 7 day(s)	1,000	250
14.	32778/20 13/07/2020	<b>Slavomirka STEŠEVIĆ MARKOVIĆ</b> 1962	Commercial Court in Kraljevo, 27/11/2003	03/03/2004	09/07/2021 17 year(s) and 4 month(s) and 7 day(s)	1,000	250
15.	32787/20 16/07/2020	<b>Radojka ACKOVIĆ SIMOVIĆ</b> 1966	Commercial Court in Kraljevo, 27/11/2003	03/03/2004	09/07/2021 17 year(s) and 4 month(s) and 7 day(s)	1,000	250