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

THIRD SECTION

DECISION

Application no. 53056/15
Boris VLADIMIROV
against Serbia

The European Court of Human Rights (Third Section), sitting on 9 July 2019 as a Committee composed of:

Georgios A. Serghides, *President,*
Branko Lubarda,
Erik Wennerström, *judges,*
and Fatoş Aracı, *Deputy Section Registrar,*

Having regard to the above application lodged on 8 April 2013,

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

Having deliberated, decides as follows:

THE FACTS

The applicant, Mr Boris Vladimirov, is a Serbian national, who was born in 1957 and lives in Bosilegrad.

The Serbian Government ("the Government") were represented by their Agent, Ms N. Plavšić.

The facts of the case, as submitted by the parties, may be summarised as follows.

The applicant was employed by *Jumko AD Vranje*, a socially/State-owned company. On 30 January 2008 he obtained a court decision ordering his employer to pay him his salaries with default interest and legal costs.

On 23 January 2013 the applicant filed a request for the enforcement of the above decision which was accepted by the Vranje Court of First Instance (*Osnovni sud u Vranju*) on 28 January 2013.

On 9 February 2016 the Vranje High Court (*Viši sud u Vranju*) found that the applicant's right to a trial within a reasonable time had been violated and ordered the Vranje Court of First Instance to speed up the

enforcement proceedings. It did not award any compensation for non-pecuniary damage because the applicant had failed to make such a claim.

On 17 March 2016 the Constitutional Court found a violation of the applicant's right to the peaceful enjoyment of possessions and ordered that the sum awarded in the judgment of 30 January 2008 be paid directly by the State.

The impugned judgment was enforced shortly thereafter.

COMPLAINT

The applicant complained under Articles 6 § 1 and 13 of the Convention and Article 1 of Protocol No. 1 about the delayed enforcement of a final judgment in his favour.

THE LAW

The Government submitted that the applicant could no longer claim to be a victim within the meaning of Article 34 of the Convention since the judgment in issue had been enforced and domestic courts had acknowledged the alleged breach, whereas they could not have awarded the applicant compensation for non-pecuniary damage because the applicant had never made such a claim.

The applicant did not make any comments in that regard.

The Court notes that the enforcement of a judgment after substantial delay is not in principle sufficient to deprive an applicant of his status as a victim unless the national authorities have acknowledged the breach (at least in substance) and afforded appropriate and sufficient redress (see *Burdov v. Russia* (no. 2), no. 33509/04, § 56, 15 January 2009). Only when these conditions are satisfied does the subsidiary nature of the protective mechanism of the Convention preclude examination of an application (see *Predić-Joksić v. Serbia* (dec.), no. 19424/07, § 24, 20 March 2012).

In the present case, the domestic courts expressly acknowledged the alleged breach, thereby effectively satisfying the first condition laid down in the Court's case-law.

Since the applicant failed to claim compensation for non-pecuniary damage, the Court considers that the acknowledgement of a violation was, in itself, appropriate and sufficient redress for the purposes of Article 34 of the Convention (see *Lukić v. Bosnia and Herzegovina* (dec.), no. 34379/03, 18 November 2008).

Accordingly, the applicant can no longer claim to be a victim and the application must be rejected as being manifestly ill-founded pursuant to 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 29 August 2019.

Fatoş Aracı Deputy Registrar	Georgios A. Serghides President