



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

SECOND SECTION

DECISION

Application no. 48162/18
Milica NIKOLIĆ against Serbia
and 8 other applications
(see appended table)

The European Court of Human Rights (Second Section), sitting on 21 January 2021 as a Committee composed of:

Carlo Ranzoni, *President*,

Branko Lubarda,

Pauliine Koskelo, *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 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 S. Stajić, a lawyer practising in Lebane.

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 socially/State-owned companies were communicated to the Serbian Government ("the Government") on 18 June 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 18 October 2018 and 28 November 2019 the sums awarded in the domestic decisions at issue were fully paid by the State in accordance with 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 11 February 2021.

Liv Tigerstedt
Acting Deputy Registrar

Carlo Ranzoni
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.	48162/18 26/09/2018	Milica NIKOLIĆ 22/08/1956	Municipal Court in Lebane, 21/05/2002	02/03/2006	29/10/2018
2.	49186/18 03/10/2018	Nikola STEVANOVIĆ 09/07/1947	Municipal Court in Lebane, 15/10/2007	26/12/2007	29/10/2018
3.	53369/18 30/10/2018	Vukašin ZDRAVKOVIĆ 27/03/1942	Municipal Court in Lebane, 16/09/2005 Municipal Court in Lebane, 28/07/2005	16/04/2010 16/04/2010	24/10/2018 24/10/2018
4.	53373/18 30/10/2018	Stanojko STANKOVIĆ 02/09/1953	Municipal Court in Lebane, 24/11/2004	16/04/2010	29/10/2018
5.	58416/18 26/11/2018	Stanica PETROVIĆ 02/06/1958	Municipal Court in Lebane, 07/12/2004 Municipal Court in Lebane, 03/03/2005 Municipal Court in Lebane, 08/07/2005 Municipal Court in Lebane,	16/04/2010 16/04/2010 16/04/2010 16/04/2010	22/11/2018 22/11/2018 22/11/2018 22/11/2018

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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
			04/08/2006 Municipal Court in Lebane, 03/05/2007 Municipal Court in Lebane, 07/12/2004	16/04/2010 16/04/2010	22/11/2018 22/11/2018
6.	59572/18 29/10/2018	Miodrag SPASIĆ 22/09/1955	Municipal Court in Lebane, 26/02/2007 Municipal Court in Lebane, 03/06/2009	11/09/2007 15/10/2009	18/10/2018 18/10/2018
7.	49635/19 13/09/2019	Sreten BOGDANOVIĆ 15/07/1961	Municipal Court in Lebane, 04/07/2005 Municipal Court in Lebane, 28/03/2002	09/10/2006 09/10/2006	22/07/2019 22/07/2019
8.	51012/19 02/09/2019	Milorad STANKOVIĆ 19/03/1953	Municipal Court in Lebane, 28/07/2005	02/07/2009	28/11/2019
9.	51704/19 02/09/2019	Dragan VIDOJEVIĆ 20/07/1954	Municipal Court in Lebane, 14/05/2004 Commercial Court in Leskovac, 01/04/2004 Municipal Court in Lebane, 01/12/2005	07/02/2005 16/04/2010 16/04/2010	28/11/2019 28/11/2019 28/11/2019