



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

THIRD SECTION

CASE OF GOLIĆ AND OTHERS v. SERBIA

*(Application no. 60162/16 and 27 others -
see appended list)*

JUDGMENT

STRASBOURG

3 October 2019

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

In the case of Golić and Others v. Serbia,

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

Dmitry Dedov, *President*,

Alena Poláčková,

Gilberto Felici, *judges*,

and Liv Tigestedt, *Acting Deputy Section Registrar*,

Having deliberated in private on 12 September 2019,

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 Serbian Government (“the Government”) were given notice of the applications.

THE FACTS

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

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

THE LAW**I. JOINDER OF THE APPLICATIONS**

5. 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

6. The applicants complained of the non-enforcement or delayed enforcement of domestic decisions given in their favour. They relied, expressly or in substance, on Article 6 § 1 of the Convention, which, in the relevant part, reads as follows:

Article 6 § 1

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

7. 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).

8. In the leading cases of *R. Kačapor and Others v. Serbia*, nos. 2269/06 and 5 others, §§ 97-99, 106-16 and 119-20, 15 January 2008, *Crnišaniin and Others v. Serbia*, nos. 35835/05 and 3 others, § 124, 13 January 2009, and *Stevanović and Others v. Serbia* [Committee], nos. 43815/17 and 15 others, 27 August 2019, the Court already found a violation in respect of issues similar to those in the present case.

9. 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. 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 decisions in the applicants’ favour.

10. These complaints are therefore admissible and disclose a breach of Article 6 § 1 of the Convention.

III. APPLICATION OF ARTICLE 41 OF THE CONVENTION

11. 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.”

12. Regard being had to the documents in its possession and to its case-law (see, in particular, *Stošić v. Serbia*, no. 64931/10, §§ 66-68, 1 October 2013), the Court considers it reasonable to award the sums indicated in the appended table and it dismisses the remainder of the applicants’ claims for just satisfaction.

13. The Court 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 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;
5. *Dismisses* the remainder of the applicants' claims for just satisfaction.

Done in English, and notified in writing on 3 October 2019, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Liv Tigerstedt
Acting Deputy Registrar

Dmitry Dedov
President

APPENDIX

List of applications raising complaints under Article 6 § 1 of the Convention
(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	Representative's name and location	Relevant domestic decision	Start date of non-enforcement period or date of entry into force the Convention in respect of Serbia (3 March 2004)	End date of non-enforcement period Length of enforcement proceedings	Domestic award (in euros)	Amount awarded for non-pecuniary damage and costs and expenses per applicant (in euros) ^{1 2}
1.	60162/16 07/10/2016	Ranko Golić 18/03/1956	Janković Dragana Čačak	Municipal Court in Čačak, 25/02/2009	14/09/2009	01/08/2016 6 year(s) and 10 month(s) and 19 day(s)	100	2,000
2.	3842/17 22/12/2016	Dragi Đinković 29/01/1960	Stojiljković Tamara Leskovac	Municipal Court in Leskovac, 29/03/2004	03/12/2007	26/12/2016 9 year(s) and 24 day(s)	100	2,000
3.	4294/17 29/12/2016	Žika Kostić 15/10/1949	Stojiljković Tamara Leskovac	Municipal Court in Leskovac, 04/06/2003 Municipal Court in Leskovac, 31/12/2007	19/11/2007 09/12/2008	17/01/2017 9 year(s) and 1 month(s) and 30 day(s) 17/01/2017 8 year(s) and 1 month(s) and 9 day(s)	255	2,000
4.	4576/17 19/12/2016	Nenad Milenković 01/06/1981	Stojiljković Tamara Leskovac	Municipal Court in Leskovac, 15/12/2003	22/11/2004	26/12/2016 12 year(s) and 1 month(s) and 5 day(s)	255	2,000
5.	9573/17 23/01/2017	Goran Mihajlović 23/11/1966	Stojiljković Tamara Leskovac	Municipal Court in Leskovac, 30/03/2007	23/10/2007	02/03/2017 9 year(s) and 4 month(s) and 8 day(s)	85	2,000

1. Plus any tax that may be chargeable to the applicants.

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

No.	Application no. Date of introduction	Applicant's name Date of birth	Representative's name and location	Relevant domestic decision	Start date of non- enforcement period or date of entry into force the Convention in respect of Serbia (3 March 2004)	End date of non- enforcement period Length of enforcement proceedings	Domestic award (in euros)	Amount awarded for non- pecuniary damage and costs and expenses per applicant (in euros) ^{1 2}
6.	9586/17 23/01/2017	Granica Jančić 11/10/1952	Stojiljković Tamara Leskovac	Municipal Court in Leskovac, 26/11/2003 Municipal Court in Leskovac, 15/01/2007	03/03/2004 15/06/2007	02/03/2017 13 year(s) 02/03/2017 9 year(s) and 8 month(s) and 16 day(s)	85	2,000
7.	9620/17 23/01/2017	Biljana Stanković 07/01/1967	Stojiljković Tamara Leskovac	Municipal Court in Leskovac, 01/12/2003 Municipal Court in Leskovac, 12/01/2007	03/03/2004 13/02/2007	02/03/2017 13 year(s) 02/03/2017 10 year(s) and 18 day(s)	85	2,000
8.	9689/17 23/01/2017	Sonja Ivanović 31/08/1966	Stojiljković Tamara Leskovac	Municipal Court in Leskovac, 11/01/2007	07/02/2007	02/03/2017 10 year(s) and 24 day(s)	85	2,000
9.	9715/17 23/01/2017	Ljiljana Stevanović 15/08/1958	Stojiljković Tamara Leskovac	Municipal Court in Leskovac, 10/01/2007	19/02/2007	02/03/2017 10 year(s) and 12 day(s)	85	2,000
10.	11572/17 25/01/2017	Petrovka Nastić 24/06/1950	Stojiljković Tamara Leskovac	Municipal Court in Leskovac, 14/07/2003 Municipal Court in Leskovac, 04/04/2008	21/12/2007 28/08/2008	10/04/2017 9 year(s) and 3 month(s) and 21 day(s) 10/04/2017 8 year(s) and 7 month(s) and 14 day(s)	85	2,000
11.	11575/17 25/01/2017	Stanimir Pešić 22/09/1960	Stojiljković Tamara Leskovac	Municipal Court in Leskovac, 20/05/2003	16/01/2008	02/03/2017 9 year(s) and 1 month(s) and 15 day(s)	85	2,000
12.	17182/17 23/02/2017	Vera Simić 13/08/1949	Glavonjić Radenko Cacak	Municipal Court in Čačak, 10/09/2008	27/02/2009	01/02/2017 7 year(s) and 11 month(s) and 6 day(s)	300	2,000

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13.	28411/17 04/04/2017	Milan Stevanović 03/01/1966	Pantelić Slađana Cacak	Commercial Court in Čačak, 14/05/2007	14/05/2007	30/01/2017 9 year(s) and 8 month(s) and 17 day(s)	100	2,000
14.	39172/17 22/05/2017	Radmila Kovačević 05/11/1954	Stojiljković Tamara Leskovac	Municipal Court in Leskovac, 27/11/2003	30/08/2007	06/06/2017 9 year(s) and 9 month(s) and 8 day(s)	170	2,000
15.	41196/17 29/05/2017	Slađana Perišić 15/03/1962	Stojiljković Tamara Leskovac	Commercial Court in Leskovac, 24/11/2003 Municipal Court in Leskovac, 18/01/2007	26/06/2007 19/04/2010	22/06/2017 9 year(s) and 11 month(s) and 28 day(s) 22/06/2017 7 year(s) and 2 month(s) and 4 day(s)	170	2,000
16.	42796/17 05/06/2017	Srboljub Stojković 19/02/1950	Stojiljković Tamara Leskovac	Municipal Court in Leskovac, 16/05/2003 Municipal Court in Leskovac, 15/05/2008	27/11/2007 21/05/2009	01/06/2017 9 year(s) and 6 month(s) and 6 day(s) 01/06/2017 8 year(s) and 12 day(s)	85	2,000
17.	61022/17 04/08/2017	Mirijana Krstić 25/11/1967	Stojiljković Tamara Leskovac	Municipal Court in Leskovac, 28/02/2008	26/06/2008	10/08/2017 9 year(s) and 1 month(s) and 16 day(s)	100	2,000
18.	68482/17 11/09/2017	Marija Radovanović 01/09/1954	Stojiljković Tamara Leskovac	Commercial Court in Leskovac, 01/12/2003 Municipal Court in Leskovac, 27/01/2007	03/03/2004 15/06/2007	10/08/2017 13 year(s) and 5 month(s) and 8 day(s) 10/08/2017 10 year(s) and 1 month(s) and 27 day(s)	100	2,000

No.	Application no. Date of introduction	Applicant's name Date of birth	Representative's name and location	Relevant domestic decision	Start date of non-enforcement period or date of entry into force the Convention in respect of Serbia (3 March 2004)	End date of non-enforcement period Length of enforcement proceedings	Domestic award (in euros)	Amount awarded for non-pecuniary damage and costs and expenses per applicant (in euros) ^{1 2}
19.	68483/17 11/09/2017	Slaviša Stefanović 26/12/1956	Stojiljković Tamara Leskovac	Municipal Court in Leskovac, 18/12/2006	02/02/2007	10/08/2017 10 year(s) and 6 month(s) and 9 day(s)	85	2,000
20.	68484/17 11/09/2017	Dragana Ilić 16/11/1969	Stojiljković Tamara Leskovac	Municipal Court in Leskovac, 27/11/2003	12/06/2007	10/08/2017 10 year(s) and 1 month(s) and 30 day(s)	100	2,000
21.	68485/17 11/09/2017	Mirjana Stojiljković 19/05/1956	Stojiljković Tamara Leskovac	Commercial Court in Leskovac, 24/11/2003 Municipal Court in Leskovac, 05/03/2007	14/03/2007 26/12/2007	15/09/2017 10 year(s) and 6 month(s) and 2 day(s) 15/09/2017 9 year(s) and 8 month(s) and 21 day(s)	100	2,000
22.	71140/17 21/09/2017	Sunčica Stamenković 23/12/1972	Stojiljković Tamara Leskovac	Municipal Court in Leskovac, 21/04/2003 Municipal Court in Leskovac, 11/04/2008	10/12/2007 16/10/2008	31/10/2017 9 year(s) and 10 month(s) and 22 day(s) 31/10/2017 9 year(s) and 16 day(s)	255	2,000
23.	71143/17 21/09/2017	Mira Mladenović 17/08/1959	Stojiljković Tamara Leskovac	Municipal Court in Leskovac, 17/09/2003	10/12/2007	10/08/2017 9 year(s) and 8 month(s) and 1 day(s)	255	2,000
24.	71144/17 21/09/2017	Cvetan Marković 22/03/1952	Stojiljković Tamara Leskovac	Municipal Court in Leskovac, 09/06/2003	07/04/2008	10/08/2017 9 year(s) and 4 month(s) and 4 day(s)	255	2,000
25.	71601/17 25/09/2017	Gorica Matić 18/07/1965	Stojiljković Tamara Leskovac	Municipal Court in Leskovac, 25/07/2005	13/04/2006	27/10/2017 11 year(s) and 6 month(s) and 15 day(s)	85	2,000

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26.	74803/17 16/10/2017	Radmila Đorđević 26/03/1963	Stojiljković Tamara Leskovac	Municipal Court in Leskovac, 26/01/2005	18/03/2005	31/10/2017 12 year(s) and 7 month(s) and 14 day(s)	170	2,000
27.	81427/17 25/11/2017	Ruža Krstić 13/04/1944	Stajić Srđan Lebane	Municipal Court in Lebane, 07/09/2005	18/10/2011	16/08/2017 5 year(s) and 9 month(s) and 30 day(s)	100	2,000
28.	3894/18 05/01/2018	Dobrica Jović 21/03/1965	Stajić Srđan Lebane	Municipal Court in Lebane, 15/10/2007	26/12/2007	22/12/2017 9 year(s) and 11 month(s) and 27 day(s)	85	2,000