



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

THIRD SECTION

CASE OF KOSTIĆ AND OTHERS v. SERBIA

*(Application no. 45727/16 and 51 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 Kostić 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 Tigerstedt, *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 applicants were represented by Ms T. Stojiljković, a lawyer practising in Leskovac.

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

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 non-enforcement or 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, in the relevant part, 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. ...”

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. 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.

10. 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.

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. 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.

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, *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.

15. 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 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 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 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 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.	45727/16 26/07/2016	Olivera Kostić 25/03/1967	Municipal Court in Leskovac, 06/12/2001 Municipal Court in Leskovac, 13/11/1998	03/03/2004 03/03/2004	26/12/2016 12 year(s) and 9 month(s) and 24 day(s) 26/12/2016 12 year(s) and 9 month(s) and 24 day(s)	0	2,000
2.	3762/17 22/12/2016	Divna Đorđević 25/10/1960	Municipal Court in Leskovac, 12/05/2003 Municipal Court in Leskovac, 29/01/2008	30/11/2007 21/04/2008	22/12/2016 9 year(s) and 23 day(s) 22/12/2016 8 year(s) and 8 month(s) and 2 day(s)	100	2,000
3.	3846/17 29/12/2016	Jelka Stevanović 06/09/1960	Municipal Court in Leskovac, 19/11/2003 Municipal Court in Leskovac, 22/02/2008	03/04/2006 27/06/2008	09/01/2017 10 year(s) and 9 month(s) and 7 day(s) 09/01/2017 8 year(s) and 6 month(s) and 14 day(s)	170	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	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	Domestic award (in euros)	Amount awarded for non-pecuniary damage and costs and expenses per applicant (in euros) ^{1 2}
4.	3859/17 29/12/2016	Ruža Jovanović 14/11/1958	Municipal Court in Leskovac, 14/07/2003 Municipal Court in Leskovac, 10/01/2008	22/11/2007 10/12/2008	17/01/2017 9 year(s) and 1 month(s) and 27 day(s) 17/01/2017 8 year(s) and 1 month(s) and 8 day(s)	255	2,000
5.	3865/17 29/12/2016	Dragana Colić 14/07/1979	Municipal Court in Leskovac, 16/09/2005	27/01/2006	06/03/2017 11 year(s) and 1 month(s) and 8 day(s)	255	2,000
6.	4283/17 22/12/2016	Olivera Cvetković 19/09/1965	Municipal Court in Leskovac, 13/11/2003	29/10/2007	26/12/2016 9 year(s) and 1 month(s) and 28 day(s)	100	2,000
7.	4300/17 19/12/2016	Novica Jović 18/03/1954	Municipal Court in Leskovac, 01/07/2003 Municipal Court in Leskovac, 18/12/2003 Municipal Court in Leskovac, 24/04/2008	30/11/2007 29/02/2008 26/06/2008	26/12/2016 9 year(s) and 27 day(s) 26/12/2016 8 year(s) and 9 month(s) and 28 day(s) 26/12/2016 8 year(s) and 6 month(s) and 1 day(s)	255	2,000
8.	4304/17 19/12/2016	Zorica Stanojević 15/03/1950	Municipal Court in Leskovac, 12/03/2003 Municipal Court in Leskovac, 14/03/2008	07/06/2007 18/06/2008	26/12/2016 9 year(s) and 6 month(s) and 20 day(s) 26/12/2016 8 year(s) and 6 month(s) and 9 day(s)	255	2,000

No.	Application no. Date of introduction	Applicant's name Date 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	Domestic award (in euros)	Amount awarded for non-pecuniary damage and costs and expenses per applicant (in euros) ^{1 2}
9.	4310/17 19/12/2016	Radica Todorović 22/01/1961	Municipal Court in Leskovac, 23/09/2003 Municipal Court in Leskovac, 28/02/2008	10/12/2004 16/06/2008	26/12/2016 12 year(s) and 17 day(s) 26/12/2016 8 year(s) and 6 month(s) and 11 day(s)	255	2,000
10.	4314/17 22/12/2016	Ljiljana Rašić 05/02/1962	Municipal Court in Leskovac, 21/04/2003	22/11/2004	26/12/2016 12 year(s) and 1 month(s) and 5 day(s)	100	2,000
11.	5253/17 29/12/2016	Dejan Colić 02/08/1969	Municipal Court in Leskovac, 16/09/2005	27/01/2006	06/03/2017 11 year(s) and 1 month(s) and 8 day(s)	255	2,000
12.	6026/17 29/12/2016	Jasmina Dimitrijević 04/07/1967	Municipal Court in Leskovac, 06/02/2007	23/04/2007	27/02/2017 9 year(s) and 10 month(s) and 5 day(s)	170	2,000
13.	10196/17 23/01/2017	Aleksandar Pešić 07/10/1963	Commercial Court in Leskovac, 26/11/2003	08/05/2007	02/03/2017 9 year(s) and 9 month(s) and 23 day(s)	85	2,000
14.	10332/17 25/01/2017	Zorica Niskiċ 28/01/1954	Municipal Court in Leskovac, 09/06/2003 Municipal Court in Leskovac, 29/01/2008	05/11/2007 18/03/2008	02/03/2017 9 year(s) and 3 month(s) and 26 day(s) 02/03/2017 8 year(s) and 11 month(s) and 13 day(s)	85	2,000

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15.	10478/17 25/01/2017	Zoran Novković 21/10/1970	Municipal Court in Leskovac, 17/12/2003 Municipal Court in Leskovac, 15/04/2008	17/12/2007 17/09/2008	02/03/2017 9 year(s) and 2 month(s) and 14 day(s) 02/03/2017 8 year(s) and 5 month(s) and 14 day(s)	85	2,000
16.	10484/17 27/01/2017	Sladana Nedeljković 23/09/1957	Municipal Court in Leskovac, 11/01/2007	07/03/2007	02/03/2017 9 year(s) and 11 month(s) and 24 day(s)	0	2,000
17.	11097/17 31/01/2017	Zoran Mišić 09/01/1960	Municipal Court in Leskovac, 20/10/2003	19/12/2007	10/04/2017 9 year(s) and 3 month(s) and 23 day(s)	170	2,000
18.	11105/17 31/01/2017	Vesna Mišić 27/11/1963	Municipal Court in Leskovac, 20/03/2003	17/12/2007	10/04/2017 9 year(s) and 3 month(s) and 25 day(s)	170	2,000
19.	58002/17 02/08/2017	Sladana Stojanović 05/12/1964	Municipal Court in Leskovac, 29/10/2007	28/05/2010	08/08/2017 7 year(s) and 2 month(s) and 12 day(s)	0	2,000
20.	58203/17 31/07/2017	Sunčica Stanisavljević 06/09/1967	Municipal Court in Leskovac, 04/04/2003 Municipal Court in Leskovac, 10/01/2008	15/11/2007 02/10/2009	11/09/2017 9 year(s) and 9 month(s) and 28 day(s) 11/09/2017 7 year(s) and 11 month(s) and 10 day(s)	300	2,000
21.	58828/17 01/08/2017	Mihajlo Anđelković 25/04/1949	Municipal Court in Leskovac, 26/11/2003	11/05/2007	08/08/2017 10 year(s) and 2 month(s) and 29 day(s)	85	2,000

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22.	69008/17 11/09/2017	Latinka Stojanović 25/05/1957	Commercial Court in Leskovac, 01/12/2003 Municipal Court in Leskovac, 26/12/2006	23/03/2006 17/12/2010	10/08/2017 11 year(s) and 4 month(s) and 19 day(s) 10/08/2017 6 year(s) and 7 month(s) and 25 day(s)	100	2,000
23.	69153/17 11/09/2017	Snežana Stanković 23/09/1955	Municipal Court in Leskovac, 26/11/2003 Municipal Court in Leskovac, 26/02/2007	03/03/2004 17/09/2008	10/08/2017 13 year(s) and 5 month(s) and 8 day(s) 10/08/2017 8 year(s) and 10 month(s) and 25 day(s)	270	2,000
24.	69181/17 11/09/2017	Stanimirka Živković 20/04/1949	Commercial Court in Leskovac, 22/11/2001	08/11/2006	10/08/2017 10 year(s) and 9 month(s) and 3 day(s)	100	2,000
25.	70575/17 18/09/2017	Divna Stanojković 16/07/1956	Municipal Court in Leskovac, 16/10/2003 Municipal Court in Leskovac, 17/05/2008	03/03/2004 04/07/2008	10/08/2017 13 year(s) and 5 month(s) and 8 day(s) 10/08/2017 9 year(s) and 1 month(s) and 7 day(s)	255	2,000
26.	70594/17 18/09/2017	Stana Mitrović 23/11/1960	Municipal Court in Leskovac, 24/07/2003 Municipal Court in Leskovac, 05/03/2008	22/02/2008 26/08/2008	10/08/2017 9 year(s) and 5 month(s) and 20 day(s) 10/08/2012 3 year(s) and 11 month(s) and 16 day(s)	255	2,000

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27.	70604/17 18/08/2017	Gordana Kocić 21/07/1955	Municipal Court in Leskovac, 14/04/2004 Municipal Court in Leskovac, 17/04/2008	20/12/2007 25/11/2008	10/08/2017 9 year(s) and 7 month(s) and 22 day(s) 10/08/2017 8 year(s) and 8 month(s) and 17 day(s)	255	2,000
28.	71892/17 25/09/2017	Dragoljub Nikolić 07/08/1952	Municipal Court in Leskovac, 15/08/2003 Municipal Court in leskovac, 04/07/2008	11/07/2007 02/10/2008	10/08/2017 10 year(s) and 1 month(s) 10/08/2017 8 year(s) and 10 month(s) and 9 day(s)	255	2,000
29.	72813/17 02/10/2017	Ivana Cojić 16/10/1971	Commercial Court in Leskovac, 27/06/2006	10/04/2007	27/10/2017 10 year(s) and 6 month(s) and 18 day(s)	200	2,000
30.	72835/17 02/10/2017	Jadranka Živković 05/02/1968	Municipal Court in Leskovac, 04/01/2007	14/02/2007	31/10/2017 10 year(s) and 8 month(s) and 18 day(s)	200	2,000
31.	73001/17 25/09/2017	Milka Ivanović 29/09/1971	Municipal Court in Leskovac, 06/10/2005 Municipal Court in Leskovac , 14/09/2006	27/03/2006 15/05/2007	10/08/2017 11 year(s) and 4 month(s) and 15 day(s) 10/08/2017 10 year(s) and 2 month(s) and 27 day(s)	255	2,000

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32.	73017/17 25/09/2017	Anda Todorović 01/01/1952	Municipal Court in Leskovac, 12/10/2004 Leskovac Municipal Court, 20/08/2007	29/05/2007 03/10/2007	10/08/2017 10 year(s) and 2 month(s) and 13 day(s) 10/08/2017 9 year(s) and 10 month(s) and 8 day(s)	255	2,000
33.	73025/17 02/10/2017	Milinka Ičić 11/11/1967	Municipal Court in Leskovac, 07/05/2007	24/08/2007	17/11/2017 10 year(s) and 2 month(s) and 25 day(s)	200	2,000
34.	74921/17 02/10/2017	Svetlana Miljković 21/08/1967	Municipal Court In Leskovac, 19/12/2006	26/02/2007	31/10/2017 10 year(s) and 8 month(s) and 6 day(s)	200	2,000
35.	74999/17 02/10/2017	Goran Stanković 18/11/1967	Municipal Court in Leskovac, 16/07/2003	26/02/2008	01/11/2017 9 year(s) and 8 month(s) and 7 day(s)	85	2,000
36.	75001/17 02/10/2017	Jadranka Ilić 24/07/1967	Commercial Court in Leskovac, 24/11/2003	03/03/2004	01/11/2017 13 year(s) and 7 month(s) and 30 day(s)	200	2,000
37.	75337/17 16/10/2017	Milorad Kostić 04/06/1952	Municipal Court in Leskovac, 20/05/2003 Municipal Court in Leskovac, 19/11/2007	20/08/2008 22/05/2013	18/10/2017 9 year(s) and 1 month(s) and 29 day(s) 18/10/2017 4 year(s) and 4 month(s) and 27 day(s)	255	2,000

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38.	75449/17 16/10/2017	Sladanka Randelović 04/02/1961	Municipal Court in Leskovac, 20/03/2003 Municipal Court in Leskovac, 28/02/2008	25/12/2007 12/02/2008	01/11/2017 9 year(s) and 10 month(s) and 8 day(s) 01/11/2017 9 year(s) and 8 month(s) and 21 day(s)	255	2,000
39.	77678/17 30/10/2017	Zlatka Jović 04/11/1958	Municipal Court in Leskovac, 16/05/2003 Municipal Court in Leskovac, 04/04/2008	30/11/2007 16/12/2008	13/11/2017 9 year(s) and 11 month(s) and 15 day(s) 13/11/2017 8 year(s) and 10 month(s) and 29 day(s)	100	2,000
40.	77693/17 30/10/2017	Milan Stanković 14/02/1952	Municipal Court in Leskovac, 07/07/2003 Municipal Court in Leskovac, 05/05/2003	13/12/2004 17/09/2008	13/11/2017 12 year(s) and 11 month(s) and 1 day(s) 13/11/2017 9 year(s) and 1 month(s) and 28 day(s)	170	2,000
41.	78370/17 30/10/2017	Nevena Tošić 24/03/1974	Municipal Court in Leskovac, 16/05/2003 Municipal Court in Leskovac, 06/03/2008	29/11/2004 01/07/2008	26/11/2017 12 year(s) and 11 month(s) and 29 day(s) 26/11/2017 9 year(s) and 4 month(s) and 26 day(s)	170	2,000
42.	78380/17 30/10/2017	Dragan Vujić 06/06/1957	Municipal Court in Leskovac, 13/06/2003	28/12/2007	09/11/2017 9 year(s) and 10 month(s) and 13 day(s)	100	2,000

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43.	78382/17 31/10/2017	Smilja Petković 06/02/1958	Commercial Court in Leskovac, 14/11/2000	23/03/2007	09/11/2017 10 year(s) and 7 month(s) and 18 day(s)	0	2,000
44.	78386/17 30/10/2017	Milun Vujić 06/10/1953	Municipal Court in Leskovac, 11/04/2008	07/11/2008	13/11/2017 9 year(s) and 7 day(s)	100	2,000
45.	78389/17 30/10/2017	Goran Krstić 05/12/1970	Municipal Court in Leskovac, 20/05/2003	10/07/2007	09/11/2017 10 year(s) and 4 month(s)	255	2,000
46.	78396/17 30/10/2017	Divna Ivanović 29/01/1963	Municipal Court in Leskovac, 30/01/2008	12/02/2009	13/11/2017 8 year(s) and 9 month(s) and 2 day(s)	100	2,000
47.	80462/17 13/11/2017	Jadranka Đorđević 14/09/1961	Municipal Court in Leskovac, 15/04/2003 Municipal Court in Leskovac, 11/04/2008	30/11/2007 30/10/2008	21/11/2017 9 year(s) and 11 month(s) and 23 day(s) 21/11/2017 9 year(s) and 23 day(s)	100	2,000
48.	82577/17 01/12/2017	Nada Todorović 14/10/1961	Municipal Court in Leskovac, 17/12/2003 Municipal Court in Leskovac, 22/01/2008	10/12/2007 27/06/2008	05/12/2017 9 year(s) and 11 month(s) and 26 day(s) 05/12/2017 9 year(s) and 5 month(s) and 9 day(s)	300	2,000
49.	82578/17 01/12/2017	Snežana Antanasović 09/05/1969	Municipal Court in Leskovac, 25/09/2003 Municipal Court in Leskovac, 05/02/2008	06/12/2007 16/06/2008	15/12/2017 10 year(s) and 10 day(s) 15/12/2017 9 year(s) and 6 month(s)	300	2,000

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50.	82581/17 01/12/2017	Tomislav Đorđević 13/03/1951	Municipal Court in Leskovac, 10/09/2003	09/01/2008	05/12/2017 9 year(s) and 10 month(s) and 27 day(s)	300	2,000
51.	82584/17 01/12/2017	Trajko Stojković 24/10/1949	Municipal Court in Leskovac, 11/06/2003 Municipal Court in Leskovac, 14/03/2008	29/11/2004 01/07/2008	05/12/2017 13 year(s) and 7 day(s) 05/12/2017 9 year(s) and 5 month(s) and 5 day(s)	200	2,000
52.	83590/17 06/12/2017	Marina Kostić 25/07/1961	Municipal Court in Leskovac, 05/02/2007 Municipal Court in Leskovac, 02/02/2004	09/03/2007 19/02/2017	26/12/2017 10 year(s) and 9 month(s) and 18 day(s) 26/12/2017 10 month(s) and 8 day(s)	100	2,000