



# Croatia

## Ratified the European Convention on Human Rights in 1997

### National Judge: Ksenija Turković

[Judges' CVs](#) are available on the ECHR Internet site

Previous Judge: Nina VAJIC (1998 – 2012)

The Court dealt with 678 applications concerning Croatia in 2016, of which 639 were declared inadmissible or struck out. It delivered 34 judgments (concerning 39 applications), 25 of which found at least one violation of the European Convention on Human Rights.

Applications processed in	2015	2016	2017*
Applications allocated to a judicial formation	812	764	387
Communicated to Government	144	84	50
Applications decided:	857	678	437
- Declared inadmissible or struck out (Single Judge)	758	590	406
- Declared inadmissible or struck out (Committee)	54	33	11
- Declared inadmissible or struck out (Chamber)	20	16	5
- Decided by judgment	25	39	15
Interim measures:	5	3	1
- Granted	0	0	0
- Refused (including out of scope)	5	3	1

\* January to July 2017

For information about the Court's judicial formations and procedure, see the [ECHR internet site](#)

Applications pending before the court on 01/07/2017	
Total pending applications*	624
Applications pending before a judicial formation:	540
Single Judge	98
Committee (3 Judges)	48
Chamber (7 Judges)	391
Grand Chamber (17 Judges)	3

\*including applications for which completed application forms have not yet been received

### Croatia and ...

#### Its contribution to the Court's budget

For 2017 the Court's budget amounts to approximately 71 million euros. That budget is financed by contributions from the 47 member States of the Council of Europe in accordance with scales based on population and GDP; the 2017 contribution of Croatia to the Council of Europe's (EUR 328 million) budget is **EUR 1,063,256**.

#### The Registry

The task of the Registry is to provide legal and administrative support to the Court in the exercise of its judicial functions. It is composed of lawyers, administrative and technical staff and translators. There are currently **672** Registry staff members of whom **9** are Croatian.

## Noteworthy cases, judgments delivered

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### Grand Chamber

#### [Muršić v. Croatia](#)

20.10.2016

The case concerned the allegation that the applicant had a cell with insufficient personal space while he was held in Bjelovar Prison.

Violation of Article 3 (prohibition of inhuman or degrading treatment) for the period 18 July-13 August 2010, during which the applicant had less than 3 sq. m of personal space in Bjelovar Prison

No violation of Article 3 in respect of the other, non-consecutive, periods of detention during which he had less than 3 sq. m of personal space

No violation of Article 3 in respect of the periods in which he had personal space of between 3 sq. m and 4 sq. m in Bjelovar Prison.

The Court confirmed that 3 sq. m of surface area per detainee in a multi-occupancy cell was the prevalent norm in its case-law, being the applicable minimum standard for the purposes of Article 3. When that area fell below 3 sq. m, the lack of personal space was regarded as so serious that it gave rise to a strong presumption of a violation of Article 3.

#### [Ališić and Others v. Bosnia and Herzegovina, Croatia, Serbia, Slovenia and "The former Yugoslav Republic of Macedonia"](#)

16.07.2014

Concerned the applicants' inability to recover "old" foreign-currency savings – deposited with two banks in what is now Bosnia and Herzegovina – following the dissolution of the former Socialist Federal Republic of Yugoslavia (SFRY).

Violation of Article 1 of Protocol No. 1 (protection of property) and of Article 13 (right to an effective remedy) by Serbia with regard to Mr Šahdanović

Violation of Article 1 of Protocol No. 1 and of Article 13 by Slovenia with regard to Ms Ališić and Mr Sadžak:

No violation of Article 1 of Protocol No.1 and of Article 13 with regard to the other respondent States

No violation of Article 14 taken together with Article 13 and Article 1 of Protocol No. 1

#### [Blečić v. Croatia](#)

08.03.2006

Termination of the applicant's specially protected tenancy (*stanarsko pravo*) during war in Croatia.

**Unable to take cognisance of the merits of the application** as the alleged interference with the applicant's property rights occurred before Croatia's ratification of the Convention

### Cases dealing with Article 6

#### [Right to a fair trial](#)

#### [Dvorski v. Croatia](#)

20.10.2015

The case concerned the refusal by the police to allow a lawyer hired by the applicant's parents to represent him while he was being questioned at a police station on suspicion of multiple murder, armed robbery and arson. The applicant confessed to the offences after signing a power of attorney authorising another lawyer to represent him.

Violation of Article 6 §§ 1 and 3 (c) (right to legal assistance of one's own choosing)

#### [Marguš v. Croatia](#)

27.05.2014

The case concerned the conviction, in 2007, of a former commander of the Croatian army of war crimes against the civilian population committed in 1991. He complained in particular that his right to be tried by an impartial tribunal and to defend himself in person had been violated. Mr Marguš also alleged that the criminal offences of which he had been convicted were the same as those which had been the subject of proceedings against him terminated in 1997 in application of the General Amnesty Act.

No violation of Article 6 §§ 1 and 3 (c)

The Court also decided that Article 4 of Protocol No. 7 (right not to be tried or punished twice) was not applicable in respect of the charges relating to the

offences which had been the subject of proceedings against Mr Marguš terminated in 1997 in application of the General Amnesty Act.

At the same time, the Court declared inadmissible the complaint under Article 4 of Protocol No. 7 as regards Mr Marguš' right not to be tried or punished twice in respect of the charges dropped by the prosecutor in January 1996

Right to a fair trial within a reasonable time

**Oršuš and Others v. Croatia**

16.03.2010

Segregation of Roma children in Croatian primary schools found to be discriminatory.

Violation of Article 6 § 1

Violation of Article 14 (prohibition of discrimination) together with Article 2 of Protocol No. 1 (right to education)

## Chamber

### **Cases concerning inadequate investigations into war crimes during the Homeland war in Croatia (Article 2)**

Violations of Article 2

**B. and Others v. Croatia**

**(no. 71593/11)**

18.06.2015

**Jelić v. Croatia**

12.06.2014

**Jularić v. Croatia and Skendžić and Krznarić v. Croatia**

20.01.2011

### **Other cases concerning the right to life (Article 2)**

Violations of Article 2

**Blijakaj and Others v. Croatia**

18.09.2014

The case concerned a complaint that the authorities had failed to take the necessary measures to protect a lawyer who was shot dead by one of her clients' husband, who was mentally disturbed.

**Branko Tomašić and Others v. Croatia**

15.01.2009

Croatian authorities' failure to take adequate measures to protect applicants' relative and her child, who were killed by the child's father.

### **Cases concerning inhuman or degrading treatment (Article 3)**

Violations of Article 3

**Škorjanec v. Croatia**

28.03.2017

The applicant complained to the European Court of Human Rights of a lack of an effective procedural response of the Croatian authorities in relation to a racially motivated act of violence against her.

**M. and M. v. Croatia (no. 10161/13)**

03.09.2015

The case concerned a custody dispute, including allegations of child abuse by the father. The applicants, a mother and her daughter, complained in particular that the national authorities had failed to remove the child from the father's care and to thus prevent further domestic abuse.

**Dorđević v. Croatia**

24.07.2012

The case concerned the complaint by a mother and her mentally and physically disabled son that they had been harassed, both physically and verbally, for over four years by children living in their neighbourhood, and that the authorities had failed to protect them.

**V.D. v. Croatia (no. 15526/10)**

08.11.2011

The case concerned the complaint by a schizophrenic that the police ill-treated him while trying to arrest him.

**Durđević v. Croatia**

19.07.2011

The case concerned complaints by three members of a family of Roma origin about their ill-treatment by private individuals, by the police and at the son's school.

The Court further found that the boy's complaints of bullying at school should have been more specific to be admissible.

**Mader v. Croatia**

21.06.2011

Ill-treatment – lack of food and sleep - and lack of legal assistance during applicant's police interrogation on murder charges.

This is the first case against Croatia concerning alleged lack of legal assistance during police questioning.

### [Šečić v. Croatia](#)

31.05.2007

Failure of domestic authorities to undertake a serious and thorough investigation into a racist attack against applicant, most probably induced by ethnic hatred.

## Cases concerning Article 6

### Right to a fair trial

#### [Matanović v. Croatia](#)

04.04.2017

Mr Matanović, the applicant, a vice-president of the Croatian Privatisation Fund, was convicted of corruption in 2009 for accepting and facilitating bribes in exchange for support of investment projects and privatisations. His conviction was essentially based on evidence obtained via telephone tapping following a covert operation involving an informant.

No violation of Article 6 § 1 as concerned Mr Matanović's complaint of entrapment

Violation of Article 6 § 1 as concerned the non-disclosure of certain evidence in the criminal proceedings against Mr Matanović  
Violation of Article 8 (right to respect for private and family life, the home and the correspondence) because the procedure for ordering and supervising the tapping of Mr Matanović's telephone had not been lawful

### Violations of Article 6 § 1

#### [Sanader v. Croatia](#)

12.02.2015

The case essentially concerned the complaint by a man convicted in his absence of war crimes – committed in 1991 as a participant in Serb paramilitary forces – that he was unable to obtain a rehearing of his case.

#### [Zagrebačka banka d.d. v. Croatia](#)

12.12.2013

Concerned enforcement proceedings against the applicant bank in which the

main issue was the exact calculation of the statutory default interest on the principal sum the bank had been ordered to pay in preceding civil proceedings against it. This resulted in the seizure of over 168,000,000 Croatian Kunas from its account.

#### [Ajdarić v. Croatia](#)

13.12.2011

Concerned a man convicted of three murders and sentenced to 40 years' imprisonment solely on the basis of hearsay evidence.

#### [X and Y v. Croatia \(no. 5193/09\)](#)

03.11.2011

The case concerned proceedings brought by the social services to divest a mother (X) and a daughter (Y) of their legal capacity.

#### [Juričić v. Croatia](#)

26.07.2011

Complaint brought by a candidate for the judge of the Constitutional Court about the alleged unfairness of proceedings in which she had contested a decision of Croatian Parliament to appoint another candidate and not her.

#### [Lisica v. Croatia](#)

25.02.2010

Applicants' conviction for bank robbery based on evidence obtained without their knowledge.

#### [Mežnarić v. Croatia](#)

15.07.2005

Decision with regard to applicant's constitutional complaint concerning a breach of contract decided by a panel of judges which included a judge who had represented his opponents at an earlier stage in the proceedings.

### Right to a fair trial within a reasonable time

### No violations of Article 6 § 1

#### [Olujić v. Croatia](#)

05.02.2009

Unfairness of disciplinary proceedings against applicant, former judge and President of the Supreme Court (*Vrhovni sud Republike Hrvatske*) before his dismissal in 1998.

### Right of access to court

**[Momčilović v. Croatia](#)**

26.03.2015

The case concerned the condition in Croatian law making access to a civil court dependent on a prior attempt to settle the claim.

[No violation of Article 6 § 1](#)

**Cases concerning private and family life (Article 8)**

Violations of Article 8

**[Vujica v. Croatia](#)**

08.10.2015

The case essentially concerned two parallel sets of proceedings in which the Croatian courts had refused to return Ms Vujica's three children to her in Austria and had awarded custody to the father.

**[Dragojević v. Croatia](#)**

15.01.2015

The case principally concerned the secret surveillance of telephone conversations of a drug-trafficking suspect.

**[Marić v. Croatia](#)**

12.06.2014

The case concerned the disposal of a stillborn child as clinical waste by a publicly-owned hospital and the father's complaint that he was then unable to obtain information about the resting place of his child.

**[Brežec v. Croatia](#)**

18.07.2013

The case concerned the applicant's complaint that she was evicted from a flat in which she had lived for 32 years following a domestic court's order.

**[M.S. v. Croatia \(no. 36337/10\)](#)**

25.04.2013

The case originated in a dispute between, on the one hand, two sisters (one of whom is the applicant, Ms M.S.) and, on the other hand, the owner and employee of the restaurant above which they live, resulting in them bringing criminal proceedings against one another and Ms M.S. being appointed a guardian in proceedings to divest her of her legal capacity. The applicant notably brought criminal proceedings against the employee of the restaurant for allegedly hitting and kicking her in May 2003; and, the restaurant owner

brought proceedings in August 2006 against the applicant and her sister for defamation.

**[A.K. and L.K. v. Croatia \(no. 37956/11\)](#)**

08.01.2013

Concerned mother with mild mental disability divested of her parental rights. Her son was put up for adoption without her knowledge, consent or participation in the adoption proceedings.

**[Orlić v. Croatia](#)**

21.06.2011

Concerned the eviction of a retired military serviceman from a flat which had been allocated to him by the former Yugoslav People's Army (the YPA), after Croatia had issued a global ban in July 1991 on transactions concerning YPA property in the country.

**[Krušković v. Croatia](#)**

21.06.2011

Father deprived of legal capacity left in legal void as concerned his paternity rights – first case concerning recognition of paternity of a father who had lost legal capacity.

**[A. v. Croatia \(no. 55164/08\)](#)**

14.10.2010

Case concerned the authorities' failure to protect applicant against domestic violence of her mentally-ill ex-husband.

**[Oluić v. Croatia](#)**

20.05.2010

Croatian authorities' failure to protect applicant from excessive noise coming from a bar adjoined to her house.

**[Janković v. Croatia](#)**

05.03.2009

Authorities' failure to adequately protect applicant from being attacked by her flatmates and subsequently to have them punished.

**[X v. Croatia \(no. 11223/04\)](#)**

17.07.2008

Applicant, a paranoid schizophrenic divested of her capacity to act, complained about daughter being given up for adoption without her knowledge or consent.

### **Karadžić v. Croatia**

15.12.2005

Inefficiency of Croatian authorities in enforcing a court order to reunite applicant with her son, kidnapped by the boy's father.

### **Mikulic v. Croatia**

07.02.2002

Inefficiency of domestic courts with regard to applicant's paternity suit left her in state of prolonged uncertainty as to personal identity.

## **Freedom of expression cases (Article 10)**

### Violations of Article 10

### **Stojanović v. Croatia**

19.09.2013

The case concerned defamation proceedings brought by the Croatian Minister of Health against Mr Stojanović following the publication of two articles in 1997 reproducing critical statements attributed to the latter – which he denied having made – resulting in Mr Stojanović being ordered to pay damages to the minister.

[The Court rejected an objection by the Croatian Government to the effect that Article 10 was not applicable. It underlined that the extent of liability in defamation must not go beyond a person's own words, and that an individual may not be held responsible for statements or allegations made by others.](#)

No violations of Article 10

### **Europapress holding d.o.o. v. Croatia**

22.10.2009

Defamation proceedings against the applicant, a newspaper publisher, for reporting in an article that B.Š., at the time Minister of Finance, had pointed a gun at a journalist.

## **Cases dealing with discrimination (Article 14)**

### **Guberina v. Croatia**

22.03.2016

The case concerned the complaint by the father of a severely handicapped child about the tax authorities' failure to take

account of the needs of his child when determining his eligibility for tax exemption on the purchase of property adapted to his child's needs.

[Violation of Article 14 in conjunction with Article 1 of Protocol No. 1 \(protection of property\)](#)

### **Pajić v. Croatia**

23.02.2016

The case concerned the complaint by a national of Bosnia and Herzegovina, who is in a stable same-sex relationship with a woman living in Croatia, of having been discriminated against on the grounds of her sexual orientation when applying for a residence permit in Croatia.

[Violation of Article 14 taken in conjunction with Article 8 \(right to respect for private and family life\)](#)

## **Cases concerning property issues (Article 1 of Protocol No. 1)**

### Violations of Article 1 of Protocol No. 1

### **Petar Matas v. Croatia**

04.10.2016

The case concerned the Croatian authorities' decision to restrict Mr Matas' use of a building he owned and used as a car repair workshop pending an evaluation of its cultural value.

### **S.L. and J.L. v. Croatia** (no. 13712/11)

07.05.2015

The case concerned the state's protection of the interests of the applicants, who were minors at the time of the facts, in a property deal.

### **Statileo v. Croatia**

10.07.2014

The case concerned legislation introduced in 1996 to reform the housing sector in Croatia. The applicant, Mr Statileo, who was the landlord of a flat which was formerly part of a specially protected tenancy scheme under the Socialist regime, complained in particular that, under the new legislation, he was unable to use his flat, rent it to the person of his choice or charge the market rent for its lease.

### **Lelas v. Croatia**

20.05.2010

Croatia's refusal to pay the applicant, a military serviceman, a special allowance for demining work.

### **Trgo v. Croatia**

11.06.2009

Refusal of domestic courts to acknowledge applicant's ownership of certain plots of land acquired by adverse possession.

## Other noteworthy cases, judgments delivered

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### **Savez Crkava Riječ Života and Others v. Croatia**

09.12.2010

Concerned discrimination against Reformist churches. Applicant churches complained that, unlike other religious communities in Croatia, they could not provide religious education in public schools and nurseries or obtain official recognition of their religious marriages as the domestic authorities refused to conclude an agreement with them regulating their legal status.

Violation of Article 9 (freedom of thought, conscience and religion) in conjunction with Article 14 (prohibition of discrimination)

### **Peša v. Croatia**

08.04.2010

Case (widely referred to as the "Maestro" affair) concerned Vice-president of the Croatian Privatisation Fund's complaint in particular about the duration of his detention as well as the proceedings concerning its lawfulness following his arrest and remand in custody on suspicion of taking bribes. He further complained about statements made to the media on his case by high-ranking State officials.

Violations of Article 5 §§ 3 and 4 (right to liberty and security)

Violation of Article 6 § 2 (presumption of innocence)

## Noteworthy cases, decisions delivered

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### **Ljubljanska banka d.d. v. Croatia**

12.05.2015

The case essentially concerned the enforcement proceedings brought by the

Ljubljanska banka d.d. against a Croatian sugar factory for recovery of debt. The bank complained in particular about the non-enforcement of two writs of execution in its favour.

Application declared inadmissible as Ljubljanska banka had no standing to lodge an individual application before the European Court.

### **Cases concerning allegations of killings of civilians by Croatian soldiers during the homeland war in Croatia**

#### **Bekić and Others v. Croatia**

30.09.2014

Applications declared inadmissible as lodged out of time in accordance with Article 35 §§ 1 and 4 of the Convention

#### **Paić and Others v. Croatia**

#### **Schubert Tepšić and Tepšić v. Croatia**

12.11.2013

Applications struck out of the Court's list of cases following a friendly settlement agreement between the applicants and the Croatian Government

#### **Balenović v. Croatia**

30.09.2010

Applicant's dismissal from INA – Industrija nafte d.d, Croatia's national oil company, because she had made statements to the press about irregularities in the operation of the company.

Application declared inadmissible as manifestly ill-founded.

#### **Šubašić v. Croatia**

30.03.2010

Refusal of the Croatian authorities to reimburse the applicant for urgent post-natal medical care of her twin daughters, born prematurely in a hospital abroad.

Application declared inadmissible for non-exhaustion of domestic remedies.

## Noteworthy pending cases

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### Grand Chamber

#### **Zubac v. Croatia (no. 40160/12)**

The case concerns the Croatian Supreme Court's refusal to consider an appeal in a property claim.

Relying on Article 6 § 1 (access to court) of the Convention, Ms Zubac complains in particular that she was prevented from having access to the Supreme Court of Croatia.

In its Chamber [judgment](#) of 11 October 2016, the Court held, by four votes to three, that there had been a violation of Article 6 § 1 of the Convention. The Chamber found that the Supreme Court had applied the rules concerning the statutory minimum for lodging an appeal in an excessively formalistic manner and that this had been contrary to the general principle of procedural fairness inherent in Article 6.

Case [referred](#) to the Grand Chamber on 6 March 2017

Grand Chamber [hearing](#) on 12 July 2017

**Jakeljić v. Croatia (no. 22768/12) and Radomilja and Others v. Croatia (no. 37685/10)**

The cases concern the acquisition of ownership of socially-owned property by adverse possession.

Relying on Article 1 of Protocol No. 1 (protection of property) to the Convention, the applicants complain that, in dismissing their claims, the domestic courts had misapplied the relevant domestic law in their cases, as the statutory time-limit for acquiring ownership by adverse possession was 20 and not 40 years.

In its Chamber [judgments](#) of 28 June 2016, the Court held, by six votes to one, that there had been a violation of Article 1 of Protocol No. 1 in both cases.

Cases [referred](#) to the Grand Chamber on 28 November 2016

## Chamber

**[Slovenia v. Croatia \(no. 54155/16\)](#)**

Application communicated to the Croatia Government in October 2016

The application concerns the actions of the Croatian judiciary and executive, in relation to legal claims brought by the bank Ljubljanska banka d.d concerning the fate

of assets and receivables following the disintegration of the former Socialist Federal Republic of Yugoslavia.

The Slovenian Government allege multiple violations of Article 6 § 1 (right to a fair trial) of the Convention. According to them, Ljubljanska banka was (and still is) a victim of an arbitrary interpretation of Slovenian law by the Croatian courts, contrary to the requirements of Croatia's own conflict rules, thus leading to a constant arbitrary denial of the bank's *locus standi* in the respective proceedings. They also allege a violation of Ljubljanska banka's right to legal certainty, equality before the law, and adversarial proceedings. They further complain of the unreasonable length of proceedings, and of a violation of the right to an impartial and independent tribunal through the interference of the Croatian executive authorities with the court proceedings. Finally, they complain of the impossibility to obtain the enforcement of final judgments in many cases. According to the Slovenian Government, there have also been several violations of Ljubljanska banka's rights under Article 1 of Protocol No. 1 (peaceful enjoyment of possessions) to the Convention, Article 14 (prohibition of discrimination) and Article 13 (right to an effective remedy) of the Convention.

**Sabalić v. Croatia (no. 50231/13)**

Case [communicated](#) to the Croatian Government in January 2014

The case concerns the applicant's complaint of the lack of an appropriate procedural response of the domestic authorities regarding a violent outburst by a private party against Ms Sabalić motivated by her sexual orientation.

The applicant relies on Articles 3 (prohibition of inhuman or degrading treatment), 8 (right to private life) and 13 (right to an effective remedy) of the Convention.