



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 814 applications concerning Croatia in 2017, of which 786 were declared inadmissible or struck out. It delivered 28 judgments (concerning 28 applications), 19 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	723
Communicated to Government	144	84	93
Applications decided:	857	678	814
- Declared inadmissible or struck out (Single Judge)	758	590	756
- Declared inadmissible or struck out (Committee)	54	33	25
- Declared inadmissible or struck out (Chamber)	20	16	5
- Decided by judgment	25	39	28
Interim measures:	5	3	2
- Granted	0	0	0
- Refused (including out of scope)	5	3	2

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

Applications pending before the court on 01/01/2018	
Total pending applications*	570
Applications pending before a judicial formation:	499
Single Judge	34
Committee (3 Judges)	78
Chamber (7 Judges)	384
Grand Chamber (17 Judges)	3

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

Croatia and ...

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 **668** Registry staff members of whom **9** are Croatian.

Noteworthy cases, judgments delivered

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.

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)

Cases dealing with property rights (Article 1 of Protocol No. 1)

[Radomilja and Others v. Croatia](#)

20.03.2018

The case concerned the domestic courts' refusal to recognise the ownership of land the applicants' claimed to have acquired by adverse possession.

In June 2016 two Chamber judgments found a violation of the applicants' property rights, relying on the Court's case-law in an earlier case, *Trgo v. Croatia*.

The Grand Chamber held that before the Chamber the applicants had not relied on the period between 6 April 1941 and 8 October 1991, thus excluding it from the factual basis of their complaints. By taking that period into account the Chamber had decided beyond the scope of the case. The applicants were permitted to subsequently rely on that period before the Grand Chamber. **However, that amounted to raising a new complaint, which was inadmissible as it had been made outside the six-month time-limit.**

The Grand Chamber considered that the rest of the complaints made by the applicants were related to the domestic courts' application and interpretation of the law and their assessment of the facts.

Neither of those grounds allowed for their claims to be treated as possessions under the Convention, meaning that there had been **no violation of their property rights.**

[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

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

[Bliakaj 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.

[Đorđević 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.

[Đurđević 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 5
(right to liberty and security)**

[Oravec v. Croatia](#)

11.07.2017

The case concerned a decision ordering the detention of the applicant, Mr Oravec. The applicant was arrested and detained in April

2011 on suspicion of drug trafficking, and later released by the investigating judge. While at liberty, the prosecutor successfully appealed against the decision to release him and, in June 2011, Mr Oravec was ordered to be re-arrested and placed in detention. The prosecution ultimately dropped the charges against him.

[No violation of Article 5 § 1 as concerned the lawfulness of the detention order of June 2011](#)

[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](#)

[Violation of Article 6 § 2 \(presumption of innocence\)](#)

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.

Aidarić 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

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 \(prohibition of discrimination\)](#)

Noteworthy cases, decisions delivered

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

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](#)

Chamber

Slovenia v. Croatia (no. 54155/16)

Case 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.

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