

ECHR Case law – Judgments and Admissibility Decisions involving Croatia (since 6 November 1997)

Last update: 07 Sep 2006 - IJ

Explanatory note ⁱ

Applicant	Status	Date of application	Date of decision	Domestic law	Alleged violation	ECHR Decision	Legal basis
1. Kunic no. 22344/02	A	11/04/02	01/09/05	Repossession of property (prevented from repossessing for a prolonged period of time)	Length of proceedings Right to property Right of access to a court Discrimination on ethnic basis	A A I I	<p>1. The Court found that the applicant was unable to access his property for about six years and two months; even though the applicant repossessed his house on 23 December 2003, the compensation available did not cover the period prior to 1 November 2002.</p> <p>2. The Court found, in the light of the parties' submissions, that this complaint raises serious issues of fact and law under the Convention.</p> <p>1.</p>
2. Radanovic no. 9056/02	A	14/12/01	19/05/05	Repossession of property (prevented from repossessing for a prolonged period of time)	Right to property (to peaceful enjoyment of possessions) Right to effective remedy	A A	<p>1. The Court found that the applicant was prevented to access her property for more than 7 years and 3 months. It notes that the alleged violation was not recognised by any decision of the domestic authorities, and irrespective of its amount, the compensation offered to the applicant did not cover the period prior to 1 November 2002.</p> <p>2. The Court reject the Govt. objection that the applicant failed to complain against the second instance verdict, finding that to lodge an appeal to obtain, ultimately, a negative judgement on the merits instead of a negative procedural decision would have been futile, and this omission cannot be held against the applicant.</p>
3. Secic no. 40116/02	A	12/11/02	15/06/06	Racist attack on Roma: unknown perpetrators have attacked Roma applicants, shouting racial abuse. One applicant was injured and suffered PSSD.	A3 (inhuman and degrading treatment due to failure to effectively investigate) A8 (private life) alone, and in conjunction with A13 and A14 A13 (effective remedy re.A3) A14 (discrimination on ethnic gr. re. effective investigation)	A A A A	<p>Investigation is now pending for 7 years. The police clearly failed duty to take all reasonable steps to unmask the racist motive of abuse (refers to <i>Nachova</i>).</p> <p>NB. To a constitutional complaint re. the failure to investigate/length of investigation the CC replied that it "has no competence to rule on cases involving prosecutorial inaction during the pre-trial stage of proceedings" and took no decision</p>

9/14/2006

4. Brlek no. 11223/04	Ad	25/02/04	18/05/06	Adoption of child without consent and knowledge of mother, deprived of capacity to act (<i>poslovna sposobnost</i>) due to mental condition. The Family Act (OG 116/2003)	Family life A8 Access to court A6.1 Effective remedy A13 (no particular provision invoked) Also Arts. 13, 3, 4, 5, 14	Ad Ad Ad I	Examination adjourned concerning complaints in regard to A8 and A6.1/A13 Inadmissible in remainder (unsubstantiated)
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6. Mahmutovic no. 9505/03	Ad	26/02/03	08/12/05	Common co-ownership of immovable property; ownership of movable property; civil obligations	Length of proceedings (A6.1) Property (A1P1)	Ad I	Adjourned in the part as to the length of proceedings. Non-exhaustion of remedies, <i>ratione personae</i> .
7. Muzevic no. 39299	Ad	18/10/02	25/11/04	Art. 63 of the Constitutional Law on the Constitutional Court	Length of enforcement proceedings Length of civil proceedings	I/Ad I	Six enforcement proceedings: one instituted in 1991- inadmissible, other five instituted in period 1988- 1999 and in 1992-adjourned. The applicant did not exhaust all legal remedies (failure to file the Constitutional Court's complaint).
8. Mrkic no. 7718/03	Ad	05/02/03	08/06/06	Section 97(1) (unpaid rent) and S99 of Housing Act. Did not return from summer house in Plitvicke Jezera to Karlovac OTR flat in 1991. Flat assigned to an IDP. MC decision Nov 96; County C decision Mar 97. Appeal to the SC on points of law dismissed in Oct 99; the CC decision never served (as per GoC's reply inadmissible on 12 Mar 04).	Length of proceedings (A6.1) Respect for home (A8) Effective remedies (A13) in conjunction with A8 unduly prolonged	Ad I I	NB. Applies the rule announced in <i>Blecic</i> on which Croatian judicial decision is decisive for purposes of determining whether the termination lies within the ECHR's <i>temporal jurisdiction</i> as of November 1997. March 1997 decision by the Karlovac County confirming MC decision to terminate OTR under A99 is the dispositive; that date became <i>res</i> <i>judicata</i> . Subsequent decisions by the SC/CC are only remedies to try to address the termination but irrelevant for purposes of ECHR temporal jurisdiction. Hence, under <i>Blecic</i> the case is not reviewable by ECHR as falling outside the court's temporal jurisdiction. This would seem to confirm that for purposes of temporal jurisdiction, the key to determining whether an OTR termination case will be reviewable at the ECHR is the date on which the OTR is terminated at the <i>county court level (if appealed there), unless</i> <i>later reversed</i> by use of other remedies.
9. Tomasic	Ad	18/05/02	11/12/03	Article 180 Civil Obligations Act 2.-8. Other, not substantiated complaints	Right to access to a court Right to an effective remedy Various ECHR articles	Ad Ad I	
10. Udruga	Ad	15/01/99	31/08/00	Civil action for repayment of loans	Length of proceedings Right to an effective remedy Right to property	Ad Ad I	Given the complaints raised by the first applicant, an association of persons who invested their money into the so called 'financial engineering', the Court considers that the association cannot be regarded as a victim of a violation of the Convention

11. Uljar and others no. 32668/02	Ad	17/07/02	05/07/05	Inheritance procedure Two sets of civil procedure;. Re: co-ownership and. Re: the will	Length of proceedings (re: co-ownership) Length of proceeding (re: inheritance procedure) Right to a fair trial Right to property Right to an effective remedy (re: the will)	Ad I I I I I	Court found that most of complaints (the length and the fairness of the inheritance procedure, procedure concerning the will, fairness of the procedure concerning co-ownership) must be rejected because domestic remedies were not exhausted (the constitutional complaint) and/or the procedure is still pending before the domestic courts.
12. Acimovic	D	16/08/00	07/11/02 09/10/03	Article 184a Act on Amending Civil Obligations Act 1999	Right to access to a court	A/V	Court refers to <i>Kutic</i> and <i>Multiplex</i> cases where it found violation insofar as the possibility to have ... claim determined by a court was stayed for a long laps of time as a result of the intervention of the legislature; NOTE: Acimovic complained about right of access to a court which ECHR determines not to be violated as such EUR 4,000 for non-pecuniary damage

13. Antonic-Tomasovic no. 5208/03	D	28/01/03	10/11/05	The conclusion of a contract on sale of the apartment	Length of proceedings (A6.1) Right to effective remedy (A13) Property (A1P1)	A/V I I	<p>The ECHR held that irrespective of number of hearings held and the procedural steps taken, in the examined period (over 7 years) the domestic courts have not utilised the time available to them to speed up the proceedings with a view to bringing the case to an end as soon as possible.</p> <p>The ECHR disagreed with the CC's finding that the case was complex due to the fact that the issues mandated an opinion from a financial expert, which took only three months.</p> <p>The ECHR also noted an apparent contradiction in the reasoning of the CC, in that it only examined the period after Croatia ratified the Convention, while, at the same time, it held the applicant responsible for a period of inactivity that had occurred prior to the ratification.</p> <p>No need to exhaust the CC as the application filed before the change of practice (24 Mar 2004, <i>Pikic</i>)</p> <p>Constitutional complaint was an available effective remedy; the mere fact that its outcome was not favourable to her does not render it ineffective.</p> <p>As procedures are pending the claim is premature.</p> <p>EUR 3,300 for non-pecuniary damage</p>
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<p>14. Bozic no. 22457/02</p>	<p>D</p>	<p>04/07/00</p>	<p>25/11/04 29/06/06</p>	<p>Sect.63 of the Constitutional Act on the CC; Administrative Procedure Act; 1991 Pension Insurance Act and 1997 Pension Adjustment Act. Administrative proceedings/court litigation re. pension since Jul 1999 (not ended).</p>	<p>Length of proceedings (administrative, A6.1)</p> <p>Effective remedy (A13)</p> <p>Length of proceedings (civil)</p>	<p>A/V</p> <p>A/V</p> <p>I (25/11/04)</p>	<p>NB The ECHR noted that the CC considered only the time complaint was pending at the Admin.C., excluding the period a dispute was pending before administrative bodies (not covering all stages/their overall length). It follows that a <i>constitutional complaint cannot be considered an 'effective' remedy in respect of the length of administrative proceedings</i> (on that see also <i>Pocuca</i>)</p> <p>Neither the 'aggregate of remedies' available (in addition to the CC) ensured the 'effectiveness.' The failure of admin.bodies to comply with domestic time limits for issuing decisions was only a partial cause for the delay, while (NB) the primary reason was a <i>deficiency in the procedural system allowing for repeated remittals due to incomplete findings of fact.</i> The second instance admin.body remanded the case three times.</p> <p>Length of proceedings ongoing for almost 7 ys in circumstances were excessive and failed to meet 'reasonable time' requirement.</p> <p>Referring to above findings there has been violation of A13</p> <p>EUR 1,500 non-pecuniary damage EUR 500 costs and expenses</p>
<p>15. Buj no. 24661/02</p>	<p>D</p>	<p>01/05/02</p>	<p>01/06/06</p>	<p>Inheritance proceedings: ownership of inherited property not recorded in the land register to date (4 years and continues, without a single decision)</p>	<p>Length of proceedings (A6.1)</p> <p>Effective remedy (A13)</p> <p>Property (A1P1)</p>	<p>A/V</p> <p>A/V</p> <p>NN</p>	<p>A four-year delay in registering property in the property records as ordered by a court violated the right to a hearing in a reasonable time. This administrative act was a functional equivalent of the enforcement of a final court decision. <i>No domestic remedy exists in respect to land registry proceedings</i> subsequent to inheritance proceedings (not contested by the GoC).</p> <p>Considering finding under A6.1 it is not necessary to examine.</p> <p>EUR 2,400 non-pecuniary damage</p>

16. Camasso no. 15733/02	D	04/04/02	13/01/05	The length of criminal proceedings Article 29 of the Constitution Article 62 and 76 of the 1999 Constitutional Court Act	Length of proceedings	A/V	Court notes that the Supreme Court needed three years and four months to deliver a decision on the applicant's appeal, a period which was found as unreasonably long in previous similar case [<i>Eckle v. Germany</i>]. Court considers that the Government's explanation that the Supreme Court gave priority to files concerning defendants in detention, which was not the applicant's case at the material time, cannot justify the protracted character of the appellate proceedings. EUR 1,500 non-pecuniary damage
17. Cenbauer no. 73786/01	D	14/01/97	05/02/04 09/03/06	Prison Conditions Lepoglava State Prison	Inhuman and degrading treatment (A3) Ill-treatment (Inadm.: rejected as manifestly ill-founded because the applicant could not substantiate his complaint with sufficient evidence)	A/V	1. Complaint of inhuman and degrading treatment: Applicant served a 12 years' prison sentence, partly in Lepoglava State Prison; complained about prison conditions in wing B of the prison as well as medical care (see also <i>Benzan v. Croatia</i>). Based on parties' submissions, findings of the CPT and the Court's delegation, the ECHR finds that detention in insufficient space coupled with a lack of access to toilet for over 12 hours a day constitutes inhuman or degrading treatment or punishment ECHR also discussed domestic remedies and concludes that no effective remedy to be exhausted was available, including CC complaint. EUR 3.000,- as non-pecuniary damage
18. Cerin	D	27/11/99	08/03/01 15/11/01	Civil action for payment of damages Article 59 (4) Constitutional Court Act 1999	Length of proceedings	A/V	Court notes that in the period taken into account the case lay dormant at least from 5/11/97 until 09/03/98 and 02/03/99 until 04/12/00; Court recalls that States need to organize their legal systems in such a way that their courts can guarantee everyone's right to obtain a final decision on disputes within a reasonable time Kuna 30,000 (EUR 4,000) for non-pecuniary damage; Kuna 2,500 (EUR 333) for costs and expenses

19. Culjak and others	D	19/12/99	16/05/02 19/12/02	Article 180 Civil Obligations Act Civil action for payment of damages Constitutional Court rejected request for revision of constitutionality of Income Tax Act NOTE: In this case the ECHR did not review the right to access to a court.	Length of proceedings Right to property Articles of the UN UDHR Violations in all three sets of proceedings	A/V I I	Court holds that cases did not involve any particular legal or factual complexity ; in the light of periods of inactivity and the overall duration of the proceedings, ..., was beyond reasonable time; applicants were prevented to act before court due to Parliament's act to stay proceedings EUR 4,500 / 4,500 for non-pecuniary damage; EUR 2,000 for costs an expenses
20. Crnojevic	D	15/02/01	29/04/03 21/10/04	Article 180 Civil Obligations Act	Right to access to a court	A/V	A: ECHR considers that decision of the CC ' <i>which would rule on the constitutionality of legislation is not a means by which a possible violation of the applicant's right of access to court would be addressed.</i> ' If the CC finds the challenged legislation unconstitutional ' <i>a likely consequence ... would be enactment of different legislation by Parliament ...</i> '. D: Court finds that more than seven years for which the applicant were prevented from having his civil claim determined by domestic courts as a consequence of a legislative measure constitutes a violation of Art. 6 (1) of the Convention; Court refers to <i>Kutic</i> and <i>Multiplex</i> cases EUR 4,000 non-pecuniary damage; EUR 2,000 costs and expenses: any tax that may be chargeable on the above amounts

21. Cvijetic	D	03/04/01	03/04/03 05/02/04	Tenancy right Eviction not carried out for more than seven years	Length of proceedings Right to private home Right to property Discrimination	A/V A/V A/NN I	<p>Court recalls that</p> <ul style="list-style-type: none"> ▪ <i>'execution of a final decision given by any court must be regarded as an integral part of the trial'</i>, eviction proceedings constitute a 'continuing situation' involving continuous activities by or on the part of the State and confirms its competence <i>ratione temporis</i> ▪ MC Split ordered eviction on 8 March 1995, however, never executed successfully ▪ Applicant moved into the flat on 21 March 2002 <p>ECHR found that the authorities' four-year failure to execute the court order 'created or at least enabled a situation where the applicant was prevented from enjoying her home for a very long period of time'. Accordingly the ECHR found a second violation in this case as the authorities did not comply with their positive obligation to secure to the applicant respect for her home.</p> <p>ECHR assessment: <i>'it is evident that [Croatia] did not show that it organised its legal system in such a way that it would prevent obstruction of the execution of the final judgments of its courts'</i></p> <p>EUR 5,000 pecuniary damage; EUR 5,000 non-pecuniary damage; EUR 500 costs and expenses</p>
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<p>22. Debelic no. 2448/03</p>	D	02/01/03	11/12/03 25/05/05	<p>Article 63 (1) Constitutional Act on Constitutional Court</p> <p>Civil action against and counter claim of the applicant seeking restitution of business premises and payment of certain investments respectively</p>	<p>Length of proceedings Right to an effective remedy</p> <p>Article 35 ECHR Right to property</p>	<p>A/V A/V</p> <p>I I</p>	<p>Court refers to <i>Nogolica</i> and <i>Slavicek</i></p> <ul style="list-style-type: none"> ▪ Case at domestic court ended: CC non effective (adjourned) <p><i>NOTE: Supreme Court dismissed applicant's request for revision of points of law (instituted in March 1997) in May 2002; in the meantime (April 2002) applicant filed a constitutional complaint to determine a time-limit within which the SC should decide his request; CC decided in October 2002 to reject applicant's complaint since the SC had decided the applicant's request for revision (!)</i></p> <p>D: Court found that period of four years and six months of inactivity of Supreme Court, which reviewed case only on points of law, failing to take any evidence or other procedural activity, was unreasonable long. Court found that the constitutional complaint under Art. 63 of the Const. Court Act was not an effective remedy for the length of proceedings that already ended (<i>Soc v. Croatia</i>). [Court concludes that the circumstances of the present case rendered an otherwise effective remedy ineffective.]</p> <p>EUR 2,000 non-pecuniary damage</p>
<p>23. Delic</p>	D	01/06/99	23/10/01 27/06/02	<p>Article 59 (4) Constitutional Act on the Constitutional Court</p>	<p>Length of Proceedings Right to an effective remedy</p> <p>Violations in nine sets of proceedings; no violation in one set of proceedings</p>	<p>A/V A/V</p>	<p>Court refers to <i>Horvat v. Croatia</i> finding that CC complaint based on Art 59 (4) is not an effective remedy</p> <p>EUR 7,000 non-pecuniary damage; EUR 180 costs and expenses</p>

24. Dragicevic	D	31/01/02	19/12/02 9/12/04	Article 180 Civil Obligations Act	Right of access to a court Right to an effective remedy Right to property Discrimination	Ad/V Ad/V I I	Complaint on Art 1 Prot 1 inadmissible <i>rationae temporis</i> D: Court finds that the long period (7 years) for which the applicant was prevented from having his civil claim determined by domestic courts as a consequence of a legislative measure constitutes violation of Art. 6 (1) of the Convention. No need to examine the complaint under Art. 13- because the requirements of this article are less strict than, and are absorbed by those of Art. 6 (1). EUR 4,000 non-pecuniary damage EUR 400 for costs and expenses
25. Dragovic	D	31/01/02	09/01/03 28/10/04	A184(a) Civil Obligations Act – amendments of 1999	Right of access to a court Discrimination Abuse of rights by domestic authorities	Ad/V I I	No discrimination (Article 14), no abuse of power by domestic authorities (Article 17) D: Court finds that applicants were prevented for more than seven years [five years after ratification of Convention] from having their claim decided as a consequence of a legislative measure; Court refers to <i>Kutic, Acimovic</i> and <i>Multiplex</i> cases EUR 4,000 to the first applicant and EUR 5,000 to the second applicant non pecuniary damage
26. Drazic no. 11044/03	D	02/01/03	06/10/05	1999 Amendments to the Civil Obligations Act (A184(a))	Length of proceedings Right to effective remedy	A/V NN	The ECHR found that applicants were prevented by legislation for a prolonged period of time from having their claim: Court refers to <i>Multiplex.v. Croatia</i> and <i>Acimovic v. Croatia</i> No need to exhaust the CC as the application filed before the change of practice (24 Mar 2004, <i>Pikic</i>) EUR 12,000 non-pecuniary damage
27. Freimann	D	05/07/01	24/06/04	Article 180 Civil Obligations Act	Right of access to a court	A/V	Court finds that applicant was prevented for more than seven years [five years after ratification of Convention] from having her claim decided as a consequence of a legislative measure; Court refers to <i>Kutic</i> and <i>Multiplex</i> cases Admissibility and merits decision. Applicant did not claim for compensation for non-pecuniary damage nor reimbursement of costs and expenses. No award of pecuniary damage.

28. Fuetterer	D	16/06/99	07/12/00 20/12/01	Civil action concerning property rights to a part of an apartment building Article 218 Law on Administrative Procedure Article 26 Law on Administrative Disputes Act	Length of proceedings Right to property	A/V I	(see <i>Horvat</i> case on effective remedy of CC for length of proceedings); Court notes that Zagreb Municipal Court requested documents concerning alleged complex facts when proceedings had already been pending for more than ten years; several periods during which case lay dormant at the court Kuna 20,000 (EUR 2,670) pecuniary and non-pecuniary damage; Kuna 2,440 (EUR 325) costs
29. Gudeljevic no. 18431/02	D	23/04/02	10/03/05	A request for revision on a points of law with the Supreme Court Civil action seeking payment on the basis of an insurance contract	Length of proceedings	A/V	Court finds that the applicant's case was pending before the Supreme Court for some four years, during which time it only reviewed the case on points of law and did not take any evidence or perform any other procedural activity. Since the Government did not put forward any fact or argument capable of persuading the Court to reach a different conclusion, the Court considers that the length of proceedings was excessive and failed to meet the "reasonable time" requirement. EUR 2,400 covering non-pecuniary damage
30. Horvat	D	20/04/99	16/11/02 26/07/01	Civil action for repayment of loan Article 59 (4) Constitutional Act on the Constitutional Court	Length of Proceedings Right to an effective remedy Violations in all two sets of proceedings	A/V A/V	Court notes that terms such as 'grossly violated' and 'serious and irreparable consequences' in Art 59 (4) are susceptible to various and wide interpretation; <ul style="list-style-type: none"> ▪ in the present case this wording indicates uncertainty of this remedy in practical terms and domestic case-law does not suffice to show the existence of settled domestic practice that would prove the effectiveness of the remedy of the constitutional complaint for pending court cases Court notes that case lay dormant for more than two years and again for one year and eight months without justification of these delays; proceedings are beyond reasonable time requirement Kuna 20,000 (EUR 2,670) non-pecuniary damage
31. Jelavic-Mitrovic no. 9591/02	D	31/11/01	13/01/05	Enforcement proceeding of a court verdict re: restoration of a business premises lease contract	Length of proceedings	A/V	Court considers that the length of proceedings in this case (3 years, 7 months) was excessive and failed to satisfy the reasonable time requirement. No causal link between the pecuniary damage claimed and the violation. No award of JS.

34. Kljaic no. 22681/02	D	21/05/02	17/03/05	Article 180 Civil Obligations Act	Right of access to a court	A/V	Court finds that the more than seven years for which the applicant were prevented from having their claim decided as a consequence of a legislative measure constitutes a violation of Art. 6 (1) of the Convention; Court refers to <i>Kutic</i> and <i>Kastelic</i> cases EUR 3,500 for non-pecuniary damage; EUR 500 for costs and expenses
35. Krivokuca no. 38770/02	D	04/10/02	25/11/04 23/03/06	Article 180 Civil Obligation Act – inability to obtain compensation for damages resulting from terrorist acts of violence	Access to court/length of proceedings (A6.1) Property A1P1	A/V I	[re.exhaustion of remedies the ECHR refers to <i>Pikic</i>). On merits the ECHR refers to <i>Kutic</i> and <i>Multiplex</i> . [On A1P1 inadmissible under Art.35 (1) [missed deadline] – admissibility decision of 25/11/04] EUR 4.000 non-pecuniary damage
36. Kutic	D	15/02/99	04/10/01 01/03/02	Article 180 Civil Obligations Act	Right of access to a court Length of proceedings	A/V A/NSI	Court recalls that Convention is intended to guarantee not rights that are theoretical or illusory but rights that are practical and effective; right of access to a court includes right to obtain a determination of the dispute by a court; Article 180 (2) hindered applicants to have their civil claim decided by a court; Court cannot agree with Government's contention that applicants inability to have their claims decided is only temporarily pending, though Court acknowledges that a situation where a significant number of legal suits claiming large sums of money are lodged against a State may call for some further regulation; however, such measures must still be compatible with Art 6 (1); proceedings were pending more than six years and applicants thus prevented to access a court EUR 10,000 non-pecuniary damage
Kutic + eighteen other cases -	CM Res		22/02/06	Committee of Minister's resolution ResDH(2006)3 relating to the lack of access to a court in civil proceedings stayed automatically by a provision of law and the excessive length of civil proceedings – See <i>Kutic</i> (A180)	Right of access to a court Length of proceedings	Declares that it has exercised its functions under Article 46(2) of the Convention.	ECHR noted that the GoC paid all the applicants the sums awarded & took individual measures to grant redress; general measures had been taken to prevent new violations related to the excessive length of civil proceedings [see Final Resolution DH(2005)60 in the case of <i>Horvat</i>], principally through amending the Code of Civil Procedure (14 Jul 03) and introducing Article 63 of the CC Act (15 Mar 02)

37. Kvartuc	D	19/01/02	22/05/03 18/11/04	Civil action for repayment of loan and against privatization fund (three sets of proceedings) <u>Non-enforcement of a court order</u>	Length of proceedings Right to an effective remedy Discrimination	Ad/AV I I	Three sets of proceedings: <ul style="list-style-type: none"> ▪ Pending case at domestic court: CC effective remedy (inadmissible) ▪ Case at domestic court ended: CC non effective (adjourned) ▪ Case pending at tax authorities: inadmissible <i>ratione materiae</i> <p>Non-exhaustion of domestic remedies: Article 63 Constitutional Act on CC (see <i>Slavicek</i> and <i>Nogolica</i> cases); disputes over liability to pay tax do not fall under Article 6 (1) and are thus inadmissible <i>ratione materiae</i></p> <p>D: decision on admissibility and judgement at the same time</p> <p>Court concludes that the delay of more than a year and seven months concerning enforcement is sufficient to enable the Court to conclude that the applicant's case was not heard within reasonable time. (total procedure lasted nine years-the Court states that account must be taken of the stage reached by the 6 November 1997).</p> <p>3,600 EUR non-pecuniary damage+ 500 EUR costs</p>
38. Lulic & Becker no. 22857/02	D	15/05/02	24/03/05	Article 180 Civil Obligations Act	Right to access to a court	V	D: Court finds that the more than seven years for which the applicant were prevented from having their claim decided as a consequence of a legislative measure constitutes a violation of Art. 6 (1) of the Convention; Court refers to <i>Kutic</i> and <i>Kastelic</i> cases <p>No need to exhaust the CC; it was not until two years later that the CC held for the first time that there had been a violation of the right to access to a court in a similar case (24 Mar 2004)</p> <p>EUR 8,000 for non-pecuniary damage</p>
39. Majski no. 33593/03	D	13/08/03	11/05/06	Prolonged eviction from a specially protected tenancy flat (Apr 99 – Feb 04)	Length of proceedings (A6.1) Right to respect for home (A8)	A/V I	A8 claim inadmissible <i>ratione temporis</i> <p>EUR 2,400.- for non-pecuniary damage</p>

40. Marinkovic	D	20/12/01	16/12/03 21/10/04	Article 180 Civil Obligations Act	Right to access to court Right to an effective remedy	A/V A	<p>A: Court refers to <i>Crnojevic</i> case recalling that 'a constitutional court complaint challenging the legislation in question did not represent a remedy to be exhausted'</p> <p>D: Court finds that the more than seven years for which the applicant were prevented from having their claim decided as a consequence of a legislative measure constitutes a violation of Art. 6 (1) of the Convention; Court refers to <i>Kutic</i> and <i>Multiplex</i> cases</p> <p>Court finds that it is not necessary to examine the case under Art. 13 since its requirements are less strict than, and are absorbed under Art. 6 (1).</p> <p>EUR 8,000 non-pecuniary damage; EUR 500 costs and expenses; any tax that may be chargeable on the above amounts</p>
41. Marinovic no. 24951/02	D	13/05/02	22/09/05	1999 Amendments to the Civil Obligations Act (A184(a))	Right of access to a court (A6.1) Right to effective remedy (A13)	A/V A/NN	<p>The ECHR considers that the fact that the applicant was prevented by legislation for a prolonged period from having his civil claim determined by domestic courts constitutes a violation of A6.1 (<i>Multiplex v. Croatia, A cimovic v. Croatia</i>).</p> <p>NB. The CC has dismissed the applicant's claim [re. the length of proceedings?] on 27 May 2004</p> <p>Finding under A6.1 absorbs A13.</p> <p>EUR 4,000 non-pecuniary damage</p>
42. Marinovic Tatjana no. 9627/03	D	04/03/03	06/10/05	Declaration of the shares of ownership of the flat	Length of proceedings (A6.1) Property (A1P1)	A/V I	<p>The CC – not effective remedy (<i>Camasso</i>)</p> <p>The court observed that the applicant's case had been pending before one instance (the SC) for almost four years, during which it only reviewed the case on points of law and did not perform any other procedural duty.</p> <p>EUR 2,700 non-pecuniary damage</p>

43. Meznaric no. 71615/01	D	25/06/01	11/12/03 15/07/05	Impartial tribunal Article 26 (6) Constitutional Act on Constitutional Court	Right to fair trial (hearing)	A/V	<p>Constitutional judge, who previously represented the opponent party in the case, sat on the panel deciding on his constitutional complaint</p> <p>D: Court finds that the dual role of a judge in a single set of proceedings creates a situation which was capable of raising legitimate doubts to a judge's impartiality.</p> <p>Court finds that although there were no indication of personal bias on the part of the judge, the appearance of impartiality was brought into question, particularly given applicable state rules that contemplate recusal in such a situation.</p> <p>EUR 1,165 costs and expenses</p>
44. Meznaric No. 2 no. 10955/03	D	13/02/03	06/10/05	1999 Amendments to the Civil Obligations Act (A184(a))	Right to access to court (A6.1)	A/V	<p>Court considers, in accordance with its case-law (Multiplex v. Croatia, Acimovic v. Croatia), that the fact that the applicant was prevented by legislation for a prolonged period from having his civil claim determined by the domestic courts constitutes a violation of A6.1</p> <p>No need to exhaust the CC as the application filed before the change of practice (24 Mar 2004, <i>Pikic</i>)</p> <p>EUR 4,000 non-pecuniary damage</p>
45. Mihajlovic no. 21752/02	D	19/04/02	18/09/03 07/07/05	Article 180 Civil Obligations Act	<p>Right of access to a court (A6.1)</p> <p>Right to effective remedy (A13)</p> <p>Property (A1P1)</p>	<p>Ad/V</p> <p>Ad/NN</p> <p>I</p>	<p>Ad: Complaint on Art 1 Para 1 inadmissible <i>rationae temporis</i>; ECHR makes reference to remedies under the new Law on Terrorist Acts and Reconstruction Act</p> <p>No need to exhaust the CC as the application filed before the change of practice (24 Mar 2004, <i>Lulic and Becker</i>)</p> <p>D: Court finds that the more than seven years for which the applicant were prevented from having their claim decided as a consequence of a legislative measure constitutes a violation of A.6.1 of the Convention; Court refers to <i>Kutic</i> and <i>Kastelic</i> cases</p> <p>Not necessary to examine as its requirements are less strict than and are absorbed under A6.1.</p> <p>EUR 7,000 non pecuniary damage; EUR 1,000 costs and expenses.</p>

46. Mikulic	D	09/10/99	07/12/00 07/02/02	Civil action to determine paternity	Length of proceedings Right to family life Right of an effective remedy (A6) Right to an effective remedy (A8) Discrimination	A/V A/V A/V A/NN I	<p>Proceedings commenced on 30 Jan 1997 and lasted for about five years; Court reiterates that particular diligence is required in cases concerning civil status and capacity; in view of what was at stake for the applicant, ie right to have her paternity established, national authorities were required to act with particular diligence</p> <p>Court recalls that paternity proceedings fall within the scope of Article 8 ('private life'); inefficiency of the courts has left applicant in a state of prolonged uncertainty as to her personal identity and Croatian authorities have therefore failed to secure to the applicant the 'respect for her private life'; Court finds that CC is not effective remedy to challenge length of proceedings (see also <i>Horvat v. Croatia</i>) and no domestic remedy to enforce the right to hearing within a reasonable time;</p> <p>EUR 7,000 for non-pecuniary damage</p>
47. Multiplex	D	16/03/00	26/09/02 10/07/03	Article 184a Act on Amending Civil Obligations Act 1999	Right of access to a court Length of proceedings Right to property Right to family life	A/V A/NSI I I	<p>Court refers to <i>Kutic</i> case where it found violation insofar as the possibility to have ... claim determined by a court was stayed for a long laps of time as a result of the intervention of the legislature;</p> <p>Complaints on Art 1 Prot 1 and Art 8 inadmissible <i>rationae temporis</i></p> <p>EUR 4,000 non-pecuniary damage; EUR 500 costs and expenses</p>
48. Muzenjak	D	17/08/01	10/04/03 04/03/04	Civil action for payment of compensation against insurance company	Length of proceedings	A/V	<p>Proceedings lasted from 1 July 1993 until 1 Feb 2002 (ie 8 years, 7 months); 8 years and 8 months of which fall under examination four years and nine months; ECHR accepts certain degree of factual complexity but case was very important to applicant;</p> <p>EUR 2,000 non-pecuniary damage EUR 1,500 costs and expenses</p>

49. Napijalo	D	11/01/01	13/06/02 13/11/03	Travel document	Length of proceedings Right to freedom of movement	A/V A/V	<p>Court recalls that proceedings must be considered as a whole, proceedings seeking declaratory decision; reasonableness of the length of proceedings needs assessment in the light of the circumstances of the case, criteria established by ECHR case law, particularly complexity of the case, conduct of applicant and relevant authorities, and what was at stake for the applicant.</p> <p>At stake was applicant's freedom of movement, an issue that requires examination without unnecessary delays, diligence of the national authorities</p> <p><i>79. By not pursuing their initial motivation for the seizure of the ... passport the authorities lost any further ground for keeping the passport.</i></p> <p><i>80. ... it appears that there was no co-operation or co-ordination both within the police and between the police and the judicial authorities. This lack of appropriate administrative procedures resulted ... in the applicant being unable to travel abroad...</i></p> <p>Court finds that seizure of passport was not proportionate to the aims pursued</p> <p>EUR 2,000 non-pecuniary damage</p>
50. Nogolica (2) no. 29052/03	D	01/08/03	17/11/05	Action for civil damages (libel) since 1995 – proceedings pending in the 1 st instance as of 17/11/05	Length of proceedings (A6.1) Right to effective remedy (A13)	A/V A/V	<p>10 years (8 falling under <i>ratione temporis</i>) without a final decision – not reasonable;</p> <p>CC – ineffective remedy at the time of applying (despite the change of practice in the meantime – <i>Debelic v. Croatia</i>)</p> <p>EUR 4,200 non pecuniary damage EUR 1,200 costs and expenses</p>
51. Omerovic no. 36071/03	D	08/04/03	01/06/06	Enforcement of judgement awarding compensation following an employment dispute (Sep 2000 – pending on 1 Jun 2006)	Length of proceedings (A6.1) Effective remedy (A13)	A/V A/V	<p>EUR 3,000 non-pecuniary damage</p>

52. Papuk Trgovina d.d. no. 2708/03	D	10/12/02	06/10/05	1999 Amendments to the Civil Obligations Act (A184(a))	Right to access to a court (A6.1) Property (A1P1)	A/V I	No need to exhaust the CC as the application filed before the change of practice (24 Mar 2004, <i>Pikic</i>) The ECHR considers, in accordance with its case-law (<i>Multiplex v. Croatia, Acimovic v. Croatia</i>), that the fact that the applicant company was prevented by legislation for a prolonged period from having its civil claim determined by the domestic courts constitutes a violation of A6.1. Incompatible <i>ratione temporis</i> EUR 4,000 for non-pecuniary damage
53. Peic no. 16787/02	D	31/01/02	26/05/05	Article 184a Act on Amending Civil Obligations Act 1999	Right of access to a court	A/V	No need to exhaust the CC as the application filed before the change of practice (24 Mar 2004, <i>Pikic</i>) D: The Court found that the fact that the applicant was prevented by legislation for a prolonged period from having his civil claim determined by domestic courts constitutes a violation of Art 6 § 1 of the ECHR (<i>Multiplex v. Croatia, Acimovic v. Croatia</i>). EUR 4,000 non-pecuniary damage EUR 500 costs and expenses

54. Pibernik	D	05/10/01	04/09/03 05/03/04	Tenancy right Eviction not carried out for more than four years	Length of proceedings/lack of execution Right to respect for home Discrimination	A/V A/V I	<p>Court finds that exhaustion of domestic remedies (CC complaint) was not required since no CC case law indicating a remedy for failure to execute a final court verdict will be resolved by the CC; <i>'wording of section 63 is not sufficiently clear so as to remove any doubt that it applies to the enforcement proceedings'</i></p> <p>ECHR: no factual or legal issue that might be considered complex; duty to organise their judicial system in such a way that their courts can meet each of its requirements</p> <p>Court agreed to review Art 8 (contrary to <i>Blecic v. Croatia</i>): <i>'no special circumstances which would have justified non-execution of the ... judgment for such a long period of time'</i> and <i>'it is evident that [Croatia] did not show that it organised its legal system in such a way that it would prevent obstruction of the execution of the final judgments of its courts'</i></p> <p><i>'... it cannot be said that [Croatia] complied with its positive obligations under Article 8 ... to secure to the applicant respect for home'</i></p> <p>EUR 11,250 pecuniary damage EUR 5,000 non-pecuniary damage</p>
55. Pikić no. 16552/02	D	15/03/02	18/01/05	1999 Amendments to the Civil Obligations Act (A184(a)) (civil action for compensation for the loss of his vehicle requisitioned for the use by the Croatian Army)	Right to access to a court (A6.1)	A/V	<p>NB. The ECHR found that the constitutional complaint (filed in 2002 in this case), in similar circumstances, does not constitute a remedy to be exhausted in respect of applications lodged before 24 March 2004 (when the CC changed its practice and found that a stay on proceedings pursuant to 1996 Act violated the constitutional right to a hearing within reasonable time and access to a court). The issue whether domestic remedies have been exhausted is normally determined by reference to the date when the application was lodged with the Court (<i>Baumann v. France</i> no. 33592/96), subject to exceptions (<i>Nogolica</i>)</p> <p>Court refers to <i>Multiplex</i> and <i>Acimovic</i> cases.</p> <p>EUR 4,000 non-pecuniary damage</p>

56. Pitra no. 41075/02	D	29/10/02	26/05/05	Length of proceedings before the Constitutional Court (labour dispute)	Length of proceedings (A.6.1) Fairness of the proceedings	A/V NV	<p>The ECHR found that the case was pending before the CC for about 3½ years, during which time it did not perform any procedural activity. The ECHR recognized, however, the specific position of the CC, emphasising that the CC, as a guardian of the Constitution, sometimes should “take into account other considerations than the mere chronological order in which cases are entered on the list” and that the general work overload cannot be justification for unreasonable delay.</p> <p>The ECHR found that the applicant had the benefit of adversarial proceedings and that she was able to submit the arguments she considered relevant to her case at various stages of those proceedings. It found that there is nothing in the case-file to indicate that the national courts decisions were arbitrary or that the proceedings were otherwise unfair and in breach of A6.1.</p> <p>No causal link between the pecuniary damages claimed and violation. No non-pecuniary damages claimed. No JS.</p>
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<p>57. Pocuca no. 38550/02</p>	D	30/09/02	29/06/06	Sect.63 the CC Act; Administrative Procedure Act; 1991 Pension Insurance Act and 1997 Pension Adjustment Act. Administrative proceedings/court litigation re. adjustment of pension since June 1998 (not ended).	<p>Length of proceedings (A6.1) (administrative proceedings; akin to <i>Boxic</i>)</p> <p>A7, A14 and A17</p>	<p>A/V</p> <p>I</p>	<p>Referring to <i>Slavicek</i> (finding the CC effective remedy in length of proceedings still pending), it distinguished administrative and civil/criminal proceedings. Overall length of proceedings, covering all stages, shall be considered to render remedy effective, including mandatory preliminary administrative ones. The CC considers only the time a complaint was pending at the Admin.C., excluding the period a dispute was pending before administrative bodies. NB It follows that a <i>constitutional complaint cannot be considered an 'effective' remedy in respect of the length of administrative proceedings.</i></p> <p>While noting that aggregate remedies contained in the procedure code could, in an individual case, provide a sufficient remedy notwithstanding the abovementioned, the ECHR concluded that a three-year delay by the Admin.C to decide a case in which the administration had never issued any decision undermined the possible effectiveness of such aggregate remedies.</p> <p>Proceedings lasting 7 ys 9 mnt until now in the instant case failed to meet the 'reasonable time' requirement.</p> <p>EUR 2,000 non-pecuniary damage EUR 500 costs and expenses</p>
<p>58. Poje no. 29159/03</p>	D	08/07/03	09/03/06	Civil action: claiming damages re. non-payment of insurance premium. Original application filed 10/02/1992; still pending. CC declared inadmissible on 11/04/2003 as MC issued a judgement while complaint pending.	<p>Length of proceedings (A.6.1) Right to effective remedy (A13)</p>	<p>A/V A/V</p>	<p>Violation of A6.1. and A13 – no need to file repetitive const. complaint after the CC changed its practice (<i>Zagorec, Debelic</i>) as complaint filed earlier</p> <p>EUR 9,000 non-pecuniary damage</p>
<p>59. Posedel-Jelinovic no. 35915/02</p>	D	05/09/02	24/11/05	OTR – right to privatise one flat only. The applicant inherited another one and applied to privatise it; the courts rejected.	<p>Length of proceedings (A6.1)</p> <p>Fair proceedings (A6.1)/ eff. remedy (A13)/ property (A1P1)</p>	<p>A/NV</p> <p>I</p>	<p>9 months for the 1st instance decision and 3 months for appeal, and 3.5 years at the CC (overall 5 years and 8 months) – reasonable.</p> <p>Non-exhaustion of remedies/ ill-founded/ <i>ratione materiae</i> – no right to acquire property</p>

60. Rados and others	D	23/12/96	23/10/01 07/11/02	Civil actions for repayment of loans	Length of proceedings Right to an effective remedy Violations in eleven of thirteen sets of proceedings	A/V A/V	Court refers to <i>Horvat v. Croatia</i> finding that CC complaint based on Art 59 (4) is not an effective remedy Violation of Art 13 with regard to <u>concluded</u> proceedings EUR 2,500 / 2,500 / 4,800 / 2,500 for non-pecuniary damage
61. Raguz no. 43709/02	D	20/11/02	10/11/05	Civil compensation claim against the company which granted the use of privately owned flat and the owner of the flat for not having been able to move into flat and for having had to renovate it.	Length of proceedings (A6.1) Right to effective remedy (A13) Freedom from inhuman or degrading treatment or torture, freedom from discrimination and prohibition of use of rights	A/V A/V I	No need to exhaust the CC as the application filed before the change of practice (24 Mar 2004, <i>Pikic</i>) The ECHR noted that the proceedings are still pending after over 15½ years (our of which 7 years 10 months fall under <i>ratione temporis</i>). The 1 st instance proceedings lasted almost 5 years; it took the SC more than 2½ years to declare the appeal on the points of law inadmissible The ECHR refers to <i>Slavicek .v. Croatia</i> . The Court found that the CC's decision did not cover all stages of the proceedings complained of, which is different approach from the Court's approach and is therefore incompatible with the protection of rights in this respect offered by the Court (<i>Bako v. Slovakia</i>) As the CC did not take into account the overall length of proceedings, failing to examine proceedings pending at the first instance, it has not been an effective remedy. NB The CC had dismissed the applicant's complaint re.length of proceedings by finding that at the time when the constitutional complaint has been lodged, the proceedings before the County Court had been pending for only four days and that therefore, on the basis of the existing case-law of the CC, the conditions set out in section 63.1 of the Const.Act were not fulfilled. EUR 2,400 non-pecuniary damage

62. Rajak	D	23/02/99	12/10/00 28/06/01	Article 59 (4) Constitutional Act on the Constitutional Court	Length of Proceedings Discrimination	A/V I	Case lay dormant for six months and thirteen days and one year, to months respectively; in this case Court considers proceedings beyond reasonable time; proceedings were initiated in 1975 and were pending at Rijeka County Court as of Oct 2000 Kuna 30,000 (EUR 4,000) non-pecuniary damage; Kuna 5,800 (EUR 770) costs and expenses
63. Rajcevic	D	19/02/99	23/07/02	Civil actions for payment of damages from an insurance company	Length of proceedings	A/V	Proceedings lasted for about four years and ten months at the time the Convention entered into force <i>'Court reiterates that the reasonableness of the length of proceedings must be assessed in the light of the circumstances of the case and having regard to the criteria lay down in the Court's case-law, in particular the complexity of the case, the conduct of the applicant and of the relevant authorities, and the importance of what is at stake for the applicant in the litigation'</i> Court considers that the length of the proceedings failed to satisfy the reasonable time requirement EUR 1,800 non-pecuniary damage
64. Sahini	D	22/01/00	19/06/03	Civil actions for payment of damages and peaceful enjoyment of property	Length of proceedings	A/V	Proceedings lasted for seven years, four months and seventeen days at the time of entry into force of the Convention; overall duration of proceedings and period of inactivity lies with domestic authorities and exceed reasonable time requirement No award for pecuniary damages; EUR 500 costs and expenses
65. Soc	D	23/10/99	24/01/02 09/05/03	Travel documents Civil actions for repayment	Length of proceedings Right to an effective remedy Right to freedom of movement Failure to exhaust domestic remedies in three sets of proceedings	A/NV A/V I	Art 13: Article 63 Act on Constitutional Court does not represent an effective remedy in respect of the length of proceedings that had already come to an end <ul style="list-style-type: none"> ▪ in two sets of this case applicant had no domestic remedy whereby he could enforce his right to a 'hearing within a reasonable time' ▪ three sets of proceedings, ie those still pending at domestic courts, were declared inadmissible for failure to exhaust domestic remedies (ie CC complaint under Article 63) Finding of violation sufficient reparation for non-pecuniary damage; EUR 500 for costs and expenses

66. Skare no. 17267/03	D	21/05/03	15/06/06	Government decree forbidding any transactions with the immovable property belonging to the former Yugoslav federal institutions or legal entities having seat in outside Croatia of 1991 and the Parliament Act with the same content of 1994. Civil litigation for the use of OTR flat of former JNA, Sep 1992 – Apr 2005.	Length of proceedings (A6.1)	A/V	Refers to <i>Debelic</i> . 7 ys 5 mnhs, including more than 2 ys which took for the CC to put the case on agenda, and another 9 mnhs to do so after the case had been withdrawn – failed to meet ‘reasonable time’ requirement. EUR 2,500 non pecuniary damage
67. Stojic no. 36719/03	D	06/06/03	01/06/06	Civil proceedings against an insurance company seeking compensation for damage caused by a fire in her house	Length of proceedings (A6.1)	A/V	EUR 4,200 non-pecuniary damage EUR 500 costs and expenses
68. Subasic no. 18322/03	D	15/05/03	01/12/05	1999 Amendments to the Civil Obligations Act (A184(a))	Access to courts (A6.1) Effective remedy (A13)	A/V -	Same as <i>Multiplex v. Croatia & Acimovic v. Croatia</i> Complaint arises from the same facts as under the A6.1. Given the decision on that, it is not necessary to examine the case under A13 since its requirements are less strict than, and are absorbed by those of A6.1 JS: EUR 4,000; no costs and expenses
69. Sundov no. 13876/03	D	07/04/03	13/04/06	Civil case – compensation from employer for the loss of salary. Proceedings instituted 18/12/95; pending before the SC.	Length of proceedings (A6.1)	A/V	Failed to meet ‘reasonable time’ requirement. EUR 1,800 non-pecuniary damage
70. Truhli	D	25/09/98	12/12/00 28/06/01	Military Pension	Right of access to a court (A6.1) Inhuman or degrading treatment Right to private life Discrimination <i>Ne bis in idem</i> Right of access to a court Right to property Right to an effective remedy	A/NV I I I I I I I	The ECHR finds that applicant had access to a court as secured by A6 with complaints to the CC; fact that CC decided to terminate other proceedings due to newly introduced legislation that did away with contested legislation does not restrict the exercise of this right in such a way or to such an extent that the very essence of the right was impaired.

71. Urukalo and Nemet	D	22/05/02	08/01/04 28/04/05	1999 Amendments to the Civil Obligations Act (A184(a))	Right to access to a court (A6.1) Property (A1P1)	A/V I	<p>No need to exhaust the CC as the application filed before the change of practice (24 Mar 2004, <i>Nogolica</i>)</p> <p>The ECHR considers that the fact that the applicants were prevented by legislation for a prolonged period from having their civil claim determined by the domestic courts constitutes a violation of A6.1.</p> <p>Right to property (due to non-ability of the applicant to receive compensation for the damages) declared inadmissible <i>rationae temporis</i></p> <p>EUR 8,000 non-pecuniary damage EUR 500 costs and expenses</p>
72. Varicak	D	08/03/01	11/12/03 21/10/04	Article 180 Civil Obligations Act	<p>Right to access to a court Right to an effective remedy</p> <p>Right to property Discrimination</p>	A/V A/NN I I	<p>A: Court notes that 'in respect of both Acts ... a constitutional complaint challenging the legislation in question did not represent a remedy to be exhausted' (<i>Crnojevic v. Croatia</i>, and <i>Acimovic v. Croatia</i>)</p> <p>Length of proceedings complaint inadmissible due to non-exhaustion of domestic remedies, ie CC (<i>Slavicek v. Croatia</i>, <i>Nogolica v. Croatia</i>) Complaint on Art 1 Prot 1 inadmissible <i>rationae temporis</i></p> <p>D: Court finds that the more than seven years for which the applicant were prevented from having her civil claim determined by domestic courts as a consequence of a legislative measure constitutes a violation of Art. 6 (1) of the Convention; Court refers to <i>Kutic</i> and <i>Multiplex</i> cases</p> <p>Court finds that it is not necessary to examine the case under Art. 13 since its requirements are less strict than, and are absorbed under Art. 6 (1).</p> <p>EUR 4,000 non-pecuniary damage EUR 2,000 costs and expenses</p>

<p>73. Vajagic no. 30431/03</p>	<p>D</p>	<p>04/09/03</p>	<p>20/07/2006</p>	<p>1957 Expropriation Act; 1994 Expropriation Act. Property with a view to building a road expropriated n 1976. Compensation proceedings pending since 1977; due to change in legislation in 1994 the case transferred to admin. bodies.</p>	<p>Property (A1P1); Fairness/length of proceedings (A6.1) Effective remedy (A13)</p>	<p>A/V A/NN due to A1P1 finding A/V</p>	<p>a 30-year delay in deciding a compensation claim for expropriated property violated A1P1. The judgment builds on <i>Bozic</i> and <i>Pocuca</i> (administrative delays violating the right to a fair hearing in a reasonable time and the right to an effective domestic remedy).</p> <p>ECHR noted that a 12-year delay in admin. proceedings, during which time the MoJ remitted the case four times, indicated a “deficiency in the [admin.] procedural system.” It further observed that the compensation claim is still pending before the admin. authorities and that a separate request for review of the expropriation law has been pending at the CC for four years.</p> <p>NB. The ECHR found that excessive delays in administrative proceedings, here compensation claims related to expropriated property, create new substantive violations, namely A1P1 by failing to timely decide the compensation claim. The reasoning might have applicability to similar delays or failure to pay outstanding compensation claims for property taken under the LTTP or failure to pay compensation owing under the LASSC.</p> <p>JS: Not ready for decision. To be reserved and the subsequent procedure fixed in the light of any agreement between the respondent State and applicants (Rule 75 § 1 of the Rules of Court).</p>
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<p>74. Zadro no. 2541/02</p>	D	13/06/02	26/05/05	<p>Article 180 Civil Obligation Act</p>	Right of access to a court	A/V	<p>Court finds that the long period (7 and a half years) for which the applicant was prevented from having his civil claim determined by domestic courts as a consequence of a legislative measure constitutes violation of Art. 6 (1) of the Convention.</p> <p>NOTE: This case factually differs from other similar cases because of the following: 1. The applicant actually received a remedy in fact in reconstruction, given that the State enacted legislation, after she had filed a tort claim, according to which all compensation for damage to property is to be sought under the Reconstruction Act.</p> <p>2. The Court referred to the Supreme Court's decision, which found that that a tort claim for damages directed against the State in civil proceedings and a request for reconstruction assistance in administrative proceedings, since based on different legal grounds, were to be considered separate claims.</p> <p>EUR 1,000 non pecuniary damage EUR 750 costs and expenses</p>
<p>75. Zagorec no. 10370/03</p>	D	17/03/03	06/10/05	<p>Non-pecuniary damages for injuries suffered in a traffic accident</p> <p>(Art. 63 of the Constitutional Act on the Constitutional Court)</p>	<p>Length of proceedings (A6.1)</p> <p>Right to effective remedy (A13) (related to the constitutional complaint)</p>	<p>A/V</p> <p>A/V</p>	<p>No need to exhaust the CC as the application filed before the change of practice (24 Mar 2004, <i>Pikic</i>)</p> <p>Court found that the Const. Court had failed to deal with the substance of the applicant's length of complaint because it the competent court had meanwhile given a decision (<i>Debelic v. Croatia</i>)</p> <p>For the ECHR, the issue cannot justify the prolongation of the proceedings over more than 12 years. Domestic courts did not deal with due diligence – 5 years before <i>ratione temporis</i> and 3½ years after, in the 1st instance, during which two hearings held; following another remittal it took the 1st instance court another 2 years to decide.</p> <p>Violation of A13. As in <i>Debelic</i>, the CC declared complaint inadmissible because the competent courts had meanwhile given a decision, thus failing to deal with the substance of complaint.</p> <p>EUR 1,000 non-pecuniary damage</p>

76. Zovanovic	D		07/03/02 09/01/03 09/12/04	Article 180 Civil Obligations Act	Right of access to a court Right to an effective remedy Right to property	A/V A/NN I	Complaint on Art 1 Prot 1 inadmissible <i>rationae temporis</i> D: Court finds that the long period (7 years) for which the applicant was prevented from having his civil claim determined by domestic courts as a consequence of a legislative measure constitutes violation of Art. 6 (1) of the Convention. No need to examine the complaint under Art. 13- because the requirements of this article are less strict than, and are absorbed by those of Art. 6 (1). EUR 4,000 non-pecuniary damage EUR 400 costs and expenses
77. Andric no. 9707/02	FS		07/02/02 19/05/05 (A) 17/11/05	Article 180 Civil Obligations Act	Right of access to court (A6.1) Right to effective remedy (A13)	A A	The applicant's proceedings have been <i>de facto</i> stayed as a consequence of 1996 Act, formally stayed in 1999. The 2003 Act provided for the resumption of the proceeding. Therefore, the Court found that it has <i>ratione temporis</i> to examine the application because the situation of which the applicant complained continued after the ratification of the Convention.
78. Bacic	FS		22/12/01 11/12/03 16/12/04	Article 180 Civil Obligations Act Note: Two decisions: 11/12/03 and 17/10/02	Right of access to a court Length of proceedings Right to property Right to freedom and security Abuse of power by authorities	A A I I I	Complaints on Art 1 Prot 1 and Art 8 inadmissible <i>rationae temporis</i> , complaint on Article 17 ECHR manifestly ill-founded Friendly settlement EUR 6,000 covering pecuniary and non-pecuniary damages and costs
79. Badovinac	FS		12/02/02 23/10/03 22/12/04	Article 180 Civil Obligations Act Note: two decisions 23/10/03 and 07/11/02	Right of access to a court Right to an effective remedy Right of respect of home Discrimination	A A I I	Court notes ' <i>that ... proceedings in question ... were de facto stayed on 17 January 1996 ...</i> ' and that the applicant ' <i>was deprived of his right of access to a court at least until the enactment of new legislation on 14 July 2003</i> ' and that it follows ' <i>that the situation complained of continued event after the ratification of the convention</i> ' leading to the competence of the Court <i>ratione temporis</i> Complaints on Art 1 Prot 1 and Art 8 inadmissible <i>rationae temporis</i> , complaint on discrimination manifestly ill-founded Friendly settlement EUR 6,000 covering pecuniary and non-pecuniary damages and costs

80. Basic	FS	22/05/01	23/10/03 08/07/04	Article 184a Act on Amending Civil Obligations Act 1999	Right of access to a court Right to an effective remedy Right to property Discrimination	A I I I	Right of access to a court (Art 6 (1) and 13 ECHR) is admissible; alleged violation of right to property under Art 1 Prot 1 ECHR considered inadmissible <i>ratione temporis</i> ('destruction of property [in 1993] is an instantaneous act which does not create any continuing situation') Friendly settlement EUR 6,000 covering pecuniary and non-pecuniary damage and costs
81. Bec	FS	18/10/01	13/02/03 03/06/04	Article 180 Civil Obligations Act	Right of access to a court Right to property	Ad I	Destruction of property was an 'instantaneous act of deprivation of property which did not create any continuous situation' – inadmissible <i>rationae temporis</i> FS: EUR 6,000
82. Bekic Application No. 6013/03	FS	28/01/03	16/06/05	1999 Amendments to Civil Obligations Act) Civil action seeking damages for injuries sustained in a traffic accident involving military vehicle.	Right of access to a court Right to an effective remedy		FS: EUR 6,000
83. Benzan	FS	01/10/00	16/05/02 08/11/02	Prison conditions	Inhumane and degrading treatment Right to an effective remedy Right to correspondence	A	FS: EUR 12,000
84. Besovic	FS	04/03/02	30/09/04	Article 180 Civil Obligations Act	Right of access to court Right to an effective remedy	Only decision	FS: HRK 30,000 (EUR 4,000) and EUR 760=total 4,760
85. Blagojevic	FS	07/02/02	19/12/02 03/06/04	Article 180 Civil Obligations Act	Right of access to a court Right to an effective remedy Right of respect of home Right to property Discrimination	Ad Ad I I I	Complaints on Art 1 Prot 1 and Art 8 inadmissible <i>rationae temporis</i> , complaint on discrimination manifestly ill-founded Friendly settlement EUR 6,000
86. Boca	FS	13/02/02	16/12/03 16/12/04	Article 180 Civil Obligations Act	Right of access to a court Right to an effective remedy	A A	Court refers to <i>Crmojevic</i> case Friendly settlement EUR 6,000 covering pecuniary and non-pecuniary damages and costs and expenses

87. Bogdanovic no. 10993/03	FS	18/11/02	15/09/05	Civil proceedings seeking damages from the insurance company Note: inter-state issue with SiCG – delay in service of court documents	Length of proceedings	Only decision	Friendly settlement EUR 4,800 full and final settlement, costs and expenses included
88. Bozic (No. 2) no. 29292/03	FS	25/08/03	20/10/05	Failure to evict illegal occupant	Length of proceedings (A6.1) Right to an effective remedy (A13) Right to respect for home and peaceful enjoyment of possessions (A8 + A1P1)	Only decision	FS: EUR 16,100.- costs and expenses included
89. Bozovic	FS	02/07/02	13/05/04	Article 184a Act on Amending Civil Obligations Act 1999 (Vehicle)	Right of access to a court Right to an effective remedy	Only decision	Friendly Settlement EUR 6,000 full and final, costs and expenses
90. Brajkovic Application No. 7693/03	FS	20/01/03	31/03/05	Non-enforcement of a court order	Length of the enforcement proceedings	Only decision	Friendly settlement 4,600 EUR costs and expenses included
91. Brkicevic no. 9144/04	FS	30/10/03	11/05/06	Civil action for damages for a work-related injury	Length of proceedings (A6.1) Effective remedy (A13)	Only decision	 FS: EUR 5,200.- costs and expenses included
92. Bubas	FS	19/02/02	29/01/04 21/10/04	Art. 180 Civil Obligations Act	Right of access to a court Right to an effective remedy	A A	<i>c. Government argued that Article 13 did not apply to a situation where an applicant is directed against a law. Furthermore they asserted that the application of Article 6(1) of the Convention concerning the applicant's right of access to a court excluded the application of the applicant's right to an effective remedy under Article 13 because there as no separate issue in this respect.</i> FS: EUR 6,000
93. Bulat	FS	31/10/01	11/12/03 21/10/04	Article 184a Act on Amending Civil Obligations Act 1999	Right to access to a court	A	Court holds that constitutional complaint challenging legislation in question is not a remedy to be exhausted (<i>Acimovic v. Croatia</i>). FS: EUR 6,000

94. Basic	FS	12/03/01	02/12/04	Article 180 Civil Obligations Act	Right of access to a court	Only decision	Friendly settlement EUR 14,000 full and final settlement, costs and expenses included
95. Cakalic Application No. 17400/02	FS	26/03/02	15/09/03 10/03/05	Article 180 Civil Obligations Act	Right of access to a court Right to respect for home Right to personal security Right to work	Ad I I I	Article 6 (1) ECHR Article 8 ECHR inadmissible <i>ratione temporis</i> , right to personal security manifestly ill-founded, right to work inadmissible <i>ratione materiae</i> FS: EUR 6,000
96. Canak	FS	18/02/02	22/05/03 02/09/04	Article 180 Civil Obligations Act	Right of access to a court Right to an effective remedy Right to property	Ad Ad I	Destruction of property was an ' <i>instantaneous act of deprivation of property which did not create any continuous situation</i> ' – inadmissible <i>ratione temporis</i> ; legislative interference in 1996 also took place before Convention entered into force FS: EUR 6,000
97. Cavcic no. 2168/03	FS	30/12/02	15/09/05	1999 Amendments to the Civil Obligations Act (A184(a)) Bitten by a military dog	Right of access to a court (A6.1)	Only decision	Friendly settlement FS: EUR 6,000
98. Debelic Application No. 16699/02	FS	03/04/02	16/06/05	Monetary compensation for bodily damage caused by illness	Length of proceedings		Friendly settlement FS: EUR 5,200
99. Divjak	FS	13/02/02	16/12/03 16/12/04	Article 180 Civil Obligations Act	Right of access to a court Right to an effective remedy	A A	Court refers to <i>Crnojevic</i> case FS: EUR 10,000
100. Djuricic Application No. 16319/02	FS	08/04/02	08/03/05	Article 180 Civil Obligations Act	Right of access to a court	Only decision	Friendly settlement FS: EUR 6,000
101. Dodos	FS	01/02/02	16/12/03 9/12/04	Article 180 Civil Obligations Act	Right of access to a court Right to an effective remedy	A A	Court refers to <i>Crnojevic</i> case FS: EUR 10,000

102. Dorontic	FS	15/10/01	11/12/03 15/07/04	Article 184a Act on Amending Civil Obligations Act 1999	Right of access to a court	A	Court holds that constitutional complaint challenging legislation in question is not a remedy to be exhausted (<i>Acimovic v. Croatia</i>) FS: EUR 6,000
103. Dosen no. 43678/02	FS	14/10/02	15/09/05	1999 Amendments to the Civil Obligations Act (A184(a))	Right of access to a court (A6.1)	Only decision	Friendly settlement FS: EUR 6,000
104. Filipovic	FS	06/03/02	02/09/04	Article 184a Act on Amending Civil Obligations Act 1999	Right of access to a court Right to an effective remedy	Only decision	Friendly settlement FS: EUR 6,000
105. Gabud	FS	06/03/02	28/11/02 03/06/04	Article 184a Act on Amending Civil Obligations Act 1999	Right of access to a court Length of proceedings Right to an effective remedy	Ad I I	FS: 6,000 Complaint about length of proceedings inadmissible b/c non-exhaustion of domestic remedies as Article 63 Act on CC provides effective remedy for cases pending at domestic courts (see <i>Slavicek v. Croatia, Nogolica v. Croatia</i>)
106. Glasl	FS	24/02/04	19/01/06	Civil proceedings since 1995; still pending. The CC 12/12/03 declared const. complaint inadmissible.	Length of proceedings (A6.1) Effective remedy (A13)	The only decision	 FS: EUR 4,800
107. Grubisic	FS	25/02/02	29/01/04 21/10/04	Article 180 Civil Obligations Act	Right of access to a court Right to an effective remedy	A A	<i>c. Government argued that Article 13 did not apply to a situation where an applicant is directed against a law. Furthermore they asserted that the application of Article 6(1) of the Convention concerning the applicant's right of access to a court excluded the application of the applicant's right to an effective remedy under Article 13 because there as no separate issue in this respect.</i> FS: EUR 6,000
108. Gvozden no. 43707/02	FS	08/11/02	15/09/05	Article 180 Civil Obligations Act	Right of access to a court	Only decision	Friendly settlement FS: EUR 6,000

109. Hajdukovic	FS	11/12/02	29/01/04 30/09/04	Article 63 (1) Constitutional Act on Constitutional Court Civil action against insurance company seeking compensation for non-pecuniary damage	Length of proceedings Right to an effective remedy	Ad I	A: Applicant filed action in October 1992 at Zagreb Municipal Court, CC <i>rejected</i> the constitutional complaint on 14 November 2002; Article 13 complaint rejected as CC provides effective remedy (Article 63 CACC); FS: EUR 3,000
110. Ivanic	FS	11/03/02	03/06/04	Article 180 Civil Obligations Act	Right of access to a court Right to an effective remedy Right of respect of home Right to property	Only decision	 FS: EUR 6,000
111. Ivanovic	FS	27/12/01	21/11/02 11/03/04	Article 180 Civil Obligations Act	Right of access to a court Right to property	A I	Complaint on Art 1 Prot 1 inadmissible <i>rationae temporis</i> FS: EUR 6,000
112. Ivkovic	FS	22/04/02	13/05/04	Article 180 Civil Obligations Act	Right of access to a court Right to an effective remedy Right to property	Ad Ad I	Complaint on Art 1 Prot 1 inadmissible <i>rationae temporis</i> ; ECHR makes reference to remedies under the new Law on Terrorist Acts and Reconstruction Act Two sets inadmissible b/c non-exhaustion of domestic remedies FS: EUR 6,000
113. Jorgic	FS	23/03/01	23/10/03 24/06/04	Article 184a Act on Amending Civil Obligations Act 1999	Right to access to a court Right to life and security Right to property	A I I	Court recalls that in similar circumstances it has held in the <i>Acimovic</i> case that ' <i>a constitutional complaint challenging the legislation in question did not represent a remedy to be exhausted</i> ' (see <i>Acimovic</i> case); FS: EUR 8,500
114. Katic	FS	22/11/01	28/11/02 30/09/04	Article 184a Act on Amending Civil Obligations Act 1999	Right to access to a court Right of property Discrimination	Ad I I	Applicant's vehicle was confiscated in 1991, this was an ' <i>instantaneous act of deprivation of property which did not create any continuous situation</i> ' – inadmissible <i>rationae temporis</i> FS: EUR 4,500
115. Klajic	FS	18/12/01	11/12/03 21/10/04	Art. 180 Civil Obligations Act	Right to access to a court	A	see also <i>Crnojevic v. Croatia</i> FS: EUR 6,000

116. Korolija	FS	26/02/02	02/12/04	Art. 180 Civil Obligations Act Note: only decision	Right to access to a court	Only decision	Friendly settlement FS: EUR 10,000
117. Kostic	FS	02/05/01	08/01/04 18/11/04	Property Right Eviction not carried out for more than two years	Right to peaceful enjoyment of possession Discrimination	A I	A: Applicant complained under Article 1 Protocol 1 Applicant repossessed his house in Nov 2001, but only three years after eviction order was issued <ul style="list-style-type: none"> ▪ Court reviews directly merits of the complaint on the right to property – not lack of execution ▪ Court also holds that ‘<i>constitutional complaint ... [is not necessary] in a situation which concerns non-enforcement of a decision in the applicant’s favour for a prolonged period of time’</i> and after ‘<i>a final judgment confirming his ownership</i>’ ▪ Court held that Program for Return applied to every person irrespective of its origin FS: EUR 11,000
118. Kovacevic	FS	04/03/02	16/12/03 01/07/04	Article 184a Act on Amending Civil Obligations Act 1999	Right of access to a court Right to an effective remedy	A A	Friendly settlement EUR 6,000 to cover pecuniary and non-pecuniary damage, costs and expenses Court refers to <i>Acimovic</i> case
119. Kresovic	FS	28/05/01	23/10/03 24/06/04	Article 180 Civil Obligations Act	Right of access to a court Length of proceedings Right to property	A A I	Friendly settlement EUR 4,500 covering pecuniary and non-pecuniary damage and costs Court refers to <i>Crnojevic</i> case recalling that ‘ <i>a constitutional court complaint challenging the legislation in question did not represent a remedy to be exhausted</i> ’ Complaint on Art 1 Prot 1 inadmissible <i>rationae temporis</i>
120. Lalic	FS	13/02/02	16/12/03 9/12/04	Article 180 Civil Obligations Act	Right of access to a court Right to an effective remedy	A A	Court refers to <i>Crnojevic</i> case Friendly settlement EUR 6,000 to cover pecuniary and non-pecuniary damage, costs and expenses

121. Ljubic	FS	27/12/02	29/01/04 30/09/04	Article 63 (1) Constitutional Act on Constitutional Court Civil action against Novska Municipality for damages in respect of confiscated property	Length of proceedings Right to an effective remedy	Ad I	Applicant filed action in July 1995 at Novska Municipal Court, CC <i>rejected</i> the constitutional complaint on 14 November 2002; Article 13 complaint rejected as CC provides effective remedy (Article 63 CACC); <i>Note:</i> applicant's conduct might have added to length of proceedings FS: EUR 3,600
122. Luksic no. 29042/03	FS	22/07/03	09/03/06	Civil action against an insurance company seeking damages for injuries sustained in a car accident. Proceedings since 15/02/91 pending. The CC declared inadmissible 13/06/03	Length of proceedings (A6.1) Effective remedy (A13)	The only decision	FS: EUR 4,800.-
123. Majstorovic	FS	19/04/97	06/12/01 06/06/02	Civil action for repayment of loan	Length of proceedings Right to an effective remedy Other	A A I	FS: EUR 2,500
124. Markovic	FS	09/01/02	16/12/03 21/10/04	Article 180 Civil Obligations Act	Right of access to a court Right to an effective remedy	A	A: Court refers to <i>Crnojevic</i> case FS: EUR 10,000
125. Martic	FS	04/03/02	16/12/03 15/07/04	Article 184a Act on Amending Civil Obligations Act 1999	Right of access to a court Right to an effective remedy	A A	FS: EUR 6,000 Court refers to <i>Acimovic</i> case
126. Milosevic	FS	06/05/02	02/09/04	Article 184a Act on Amending Civil Obligations Act 1999	Right of access to a court Right to an effective remedy	Only decision	FS: EUR 10,000
127. Mlinarevic no. 8403/04	FS	07/04/03	08/12/05	Article 180 Civil Obligations Act – House requisitioned in 1992 for the needs of HV repossessed in 1997. Case in the 2 nd instance court pending as of 8 Dec 2005	Right of access to a court (A6.1) Right to effective remedy (A13)	Only decision	FS: EUR 6,000

128. Miljus Application No. 10026/03	FS	01/03/03	16/06/05	Civil action seeking payment of some contracted amount of money.	Length of proceedings	Only decision	Friendly settlement FS: EUR 4,500
129. Miscevic	FS	19/02/02	16/12/03 16/12/04	Article 180 Civil Obligations Act	Right of access to a court Right to an effective remedy	A A	Court refers to <i>Crnojevic</i> case FS: EUR 6,000
130. Mrkonjic	FS	19/03/02	13/05/04	Article 184a Act on Amending Civil Obligations Act 1999 (Damages to vehicle)	Right of access to a court Right to an effective remedy	Only decision	 FS: EUR 18,000
131. Nikic no. 8687/04	FS	26/01/04	09/03/06	Civil Obligations Act – 1999 Amendments (bodily injury – shot by a member of HV)	Length of proceedings/Access to courts (A6.1)	Only decision	 FS EUR 6,000
132. Pavkovic	FS	01/02/02	05/06/03 02/09/04	Article 180 Civil Obligations Act	Right of access to a court Right to property Right not to be expelled Discrimination Inhuman or degrading treatment Abuse of power by domestic authorities	Ad/FS I I I I I	Discrimination: <i>Court recalls that according to its established case-law regarding the scope of the guarantee provided under Article 14, a difference in treatment is discriminatory if ‘it has no objective and reasonable justification’, that is, if it does not pursue a ‘legitimate aim’ or if there is no ‘reasonable relationship of proportionality between the means employed and the aim sought to be realized’, in the present case law applies equally to all persons in applicant’s position</i> FS: EUR 6,000
133. Petkovic no. 26120/04	FS	23/06/04	11/05/06	Civil action against employer	Length of proceedings (A6.1) Effective remedy (A13)	Only decision	 FS: 4,700
134. Pezerovic no. 8417/04	FS	07/04/03	08/12/05	Article 180 Civil Obligations Act Death in traffic accident caused by HV member. Proceedings in the 2 nd instance court pending as of 8 Dec 2005	Right of access to a court (A6.1) Right to effective remedy (A13)	Only decision	 FS: EUR 22,000

135. Plavsic	FS	26/02/02	29/01/04 9/12/04	Article 180 Civil Obligations Act	Right of access to a court Right to an effective remedy	A A	Court refers to <i>Crnojevic</i> case and <i>Kutic</i> case FS: EUR 6,000
136. Prugovecki	FS	06/03/02	02/09/04	Article 184a Act on Amending Civil Obligations Act 1999	Right of access to a court Right to an effective remedy	Only decision	Friendly settlement EUR 6,000 covering pecuniary and non-pecuniary damage and costs
137. Rados and others (partial judgment)	FS	23/12/96	23/10/01 04/07/02	Civil actions for repayment of loans	Length of proceedings Right to an effective remedy	A A	 FS: EUR 3,500
138. Rosic no. 9161/04	FS	20/02/04	24/11/05	Failure to adjudicate on a claim for civil damages since Mar 1991	Length of proceedings (A6.1)	Only decision	 FS: EUR 4,500
139. Simonovic no. 9256/04	FS	14/11/03	3/11/05	Failure to enforce awarded civil damages since Jan '94	Length of proceedings (A6.1) Right to effective remedy (A13)	Only decision	 FS: EUR 4,800
140. Stjepanovic	FS	07/02/02	14/11/02 03/06/04	Article 180 Civil Obligations Act	Right of access to a court Right to an effective remedy Right of respect of home Right to property Discrimination	Ad Ad I I I	FS: EUR 6,000 Complaint on Art 1 Prot 1, Article 8 inadmissible <i>rationae temporis</i> Complaint on discrimination manifestly ill-founded
141. Studio-G	FS	26/06/01	30/05/02 05/06/03	Civil action for repayment of lawyer's fee	Length of proceedings	Only decision	Friendly Settlement EUR 3,600 full and final, costs and expenses
142. Surla	FS	07/02/02	16/12/03 16/12/04	Article 180 Civil Obligations Act	Right of access to a court Right to an effective remedy	A A	Court refers to <i>Crnojevic</i> case FS: EUR 6,000

143. Svilokos	FS	03/05/02	18/09/03 09/09/04	Article 180 Civil Obligations Act	Right of access to a court Right to property	Ad I	Complaint on Art 1 Prot 1 inadmissible <i>rationae temporis</i> ; ECHR makes reference to remedies under the new Law on Terrorist Acts and Reconstruction Act FS: EUR 10,000
144. Svagonja	FS	09/07/02	03/02/04 10/03/05	Article 180 Civil Obligations Act	Right to access to a court Right to property	A I	Right to property claim declared inadmissible <i>ratione temporis</i> FS: EUR 10,000
145. Tisljar no. 29157/03	FS	08/07/03	05/04/06	Civil action for pecuniary damages since Aug 2002 (vehicle was taken by the police on the ground that it had been stolen). A63 Constitutional Act on the CC	Length of proceedings (A6.1) Effective remedy (A13)	Only decision	Writ of execution not carried out. In May 2003 the CC dismissed complaint due to 'lack of jurisdiction on failure to carry out a writ of execution' FS: EUR 3,000
146. Tomasevic (P) no. 12873/02	FS	11/03/02	19/12/02 03/06/04	Article 180 Civil Obligations Act	Access to a court (A6.1) Effective remedy (A13) Property (A1P1)	Ad Ad I	FS: EUR 6,000 Under A1P1 inadmissible <i>rationae temporis</i>
147. Tomasevic (R) no. 7448/04	FS	11/03/02	20/01/05	Article 180 Civil Obligations Act	Right of access to court Right to an effective remedy Right to proerty	Only decision	 FS: EUR 4,000
148. Trivic Application no. 16344/03	FS	08/05/03	31/03/05	Damage compensation/traffic accident	Length of proceeding	Only decision	 FS: EUR 4,500
149. Trkulja Application No. 28646/03	FS	30/06/03	23/06/05	1999 Amendments to the Civil Obligations Act	Right of access to a court	Only decision	 FS: EUR 8,500
150. Tufegdzc no. 18474/04	FS	30/03/04	11/05/06	Civil damages against the weekly V.	Length of proceedings (A6.1)	Only decision	 FS: EUR 4,200

151. Vlastic no. 9434/04	FS	12/11/03	06/03/06	Civil action against insurance company for damages sustained in traffic accident Litigation 03/03/92 – 16/04/04	Length of proceedings (A6.1)	FS	FS: EUR 2,200
152. Vukovic no. 20030/03	FS	30/05/03	10/11/05	Temporary use of property under LTTP and repossession	Property (A1P1)	FS	FS: EUR 8,500.-, costs and expenses included. NB. In Aug 2003 the Ministry made an offer for a settlement to pay damages (it seems under 27(4) LASSC), which the applicant apparently declined as unsatisfactory.
153. Zec no. 35120	FS	26/09/03	11/05/06	Civil action in the context of traffic accident	Length of proceedings (A6.1) Effective remedy (A13)	Only decision	FS: EUR 4,200
154. Acimovic II	I	05/02/99	30/05/00 18/10/01	Military Pension Constitutional Court failed to decide constitutional complaint but merely terminated proceedings due to new enactment of legislation	Right of access to a court Right to property	I I	CC complaint and proceedings were not decisive for applicant's civil rights; inadmissible <i>ratione materiae</i>
155. Anđelković	I	08/02/99	30/05/00 18/10/02	Military Pension Conditions of sale of flats for former Yugoslav People's Army officers Constitutional Court failed to decide constitutional complaint but merely terminated proceedings due to new enactment of legislation	Right to property Right to access to a court Discrimination	I I I	CC complaint and proceedings, challenging constitutionality of pensions act, were not decisive for applicant's civil rights; inadmissible <i>ratione materiae</i>
156. Bakarić	I	11/05/99	25/05/00 13/09/01	Military Pension Constitutional Court rejected applicant's constitutional complaint challenging YPA Pensions Act	Right to family life Right to property Discrimination Right to access to a court	I I I I	Complaint incompatible <i>ratione materiae</i> as applicant failed to use remedy with CC challenging directly the decision of the administrative court
157. Baneković	I	06/11/02	23/09/04	Act on Areas of Special State Care; Amendment to the Act on Areas of Special State Care, Section 1 (2), 17 Salary increase to civil servants performing duties in the areas of special state concern	Length of proceeding Right to fair trial Right to effective remedy (if violation was committed by persons acting in an official capacity) Discrimination	I I I I I	Complaint incompatible <i>ratione materiae</i> because the employment disputes between the authorities and public servants who act as depositary of public authority responsible for protecting general interests of the State (including police and army) are not "civil" and are excluded from the scope of Article 6 (1) of the ECHR

158. Barbaca	I	01/07/00	18/09/03	Pension Article 63 Constitutional Act on the Constitutional Court 2002 Article 218 (1) Administrative Procedure Act	Length of proceedings Right to property Right to an effective remedy	I	Complaint on length of proceedings rejected due to rule of exhaustion of domestic remedies; Article 63 Act on CC provides effective remedy in respect of length of proceedings
159. Bijelic Application No. 33250/02	I	22/07/02	12/02/04 19/05/05	Article 180 Civil Obligations Act	Right to property Right of access to a court	I I	Complaint on Art 1 Prot 1 inadmissible <i>rationae temporis</i> D: The Court found out the situation which could have raised an issue under the Convention never materialised [Applicants introduced their claim after the 1996 Amendments entered into force. The court dismissed the applicants' claim, which is pending before the Supreme Court following an appeal.]
160. Bleic	I (GC)	06/05/00	30/01/03 29/07/04 30/01/03 16/12/01 08/03/06	Sale of publicly-owned flats previously let under specially protected tenancy CC rejected the applicant's complaint	Right to respect for her home (A/NV by Section) Right to property (A/NV by Sct) Right to access to a court (I)	I (GC)	Application falls outside ECHR competence <i>ratione temporis</i> : 'the alleged interference with the applicant's rights lies in the Supreme Court's judgment of 15 February 1996. The subsequent [CC] decision only resulted in allowing the interference allegedly caused by that judgment – a definitive act which was by itself capable of violating the applicant's rights – to subsist. That decision, as it stood, did not constitute the interference.'

161. Cekic and others	I	01/03/02	09/10/03	Pension case Constitutional Court rejected complaints	Length of proceedings Right to property Right to an effective remedy Right to liberty of movement Right not to be expelled		<p><i>'The Court notes that the proceedings before the appellate court and the Constitutional Court lasted for only a few months which does not appear excessive in any respect, while the proceedings before the trial court lasted for three and two years, respectively, which the Court considers to be justified in particular having regard to the complex factual nature of the proceedings.'</i></p> <p><i>Court recalls that it is 'not its function to deal with errors of fact or law allegedly committed by a national court unless and in so far as they may have infringed rights and freedoms protected by the Convention'</i></p> <p><i>Court recalls that even though the rights stemming from the payment of contributions to the social insurance system, in particular the right to derive benefits from such a system - for instance in the form of a pension - can be asserted under Art 1 Prot 1, this provision cannot be interpreted as giving an individual a right to a pension of a particular amount</i></p> <p><i>'Article 14 complements the other substantive provisions of the Convention and the Protocols thereto. It has no independent existence since its effect comes into play solely in relation to "the enjoyment of rights and freedoms" safeguarded by those provisions. Although the application of Article 14 does not presuppose a breach of those provisions - and to this extent that Article is autonomous - there can be no room for its application unless the facts at issue fall within the ambit of one or more of the rights and freedoms guaranteed by the Convention'</i></p>
162. Cokaric no. 33212/02	I	17/08/02	19/01/06	Sewer network with outlet near coastal Stoberic. Complain that houses are being destroyed by building works, and their value is decreasing due to neighbouring sewer outlet.	Property (A1P1) Effective remedy (A13) Freedom of movement (A2P4) Discrimination (A14+A6.1)	I	Non-exhaustion of remedies (premature) re.A1P1. Manifestly ill-founded re.A13. Ill-founded re.A2P4. Premature re.A14.
163. Djuricic	I	16/02/03	09/10/03	Civil action for payment of damages against RoC Constitutional Court complaint	Length of proceedings	I	Court considers delays of proceedings in this case as not excessive

164. Gauder	I	22/12/98	21/06/01	Military Pension Constitutional Court terminated proceedings	Right to property Discrimination Length of proceedings	I	(see <i>Jankovic</i> case); obligation of States to organize their judicial systems in such a way that courts can meet each of its requirements within a reasonable time also applies to a Constitutional Court, however, 'its role as guardian of the Constitution may make it particularly necessary ... to take into account considerations other than the mere chronological order in which cases are entered ... such as the nature of a case and its importance in political and social terms'
165. Gavella no. 33244/02	I	19/08/02	11/07/06	Denationalisation Act's pre-emption provisions, denounced by Parliamentary amendment of 2002. Right of former owners to priority purchase of privatised OTR flat, whereby the new owner would get only the amount paid to the Fund while the difference accrued to be returned to the same Fund was abolished. The scheme allowed the old owners to ask money to renounce their pre-emption right, which the applicants argued being a 'possession' within the meaning of A1P1.	Property (A1P1)	I	The ECHR noted that such scheme, as well as a priority to buy a privatised apartment, is a <i>conditional claim</i> which cannot be considered an 'asset' but rather 'an option on condition precedent,' i.e., it arises <i>only if</i> the new owner decides to sell. In current case the applicant did not have an enforceable claim as there were no indications that at the time of interference any of the new owners had decided to sell their flats. Therefore, the applicant did not have a 'legitimate expectation' that his claims would be realised.
166. Gregurinc no. 12833/02	I	04/03/02	01/09/2005	1999 Amendments to Civil Obligations Act	Access to court Right to an effective remedy Length of proceedings	I I I	inadmissible <i>ratione personae</i> inadmissible <i>ratione personae</i> non-exhaustion of legal remedies
167. Hackbarth no. 27897/02	I	18/06/02	03/11/02	Neighbours 'drill holes' while the state fails to execute administrative enforcement order	Length of proceedings, home and property (A6.1+A8+A1P1) Right to effective remedy (A13)	I I	Failure to exhaust domestic remedies ('action against unlawful act' against administrative); Manifestly unfounded, as the 'action against unlawful act' constitutes an effective remedy
168. Hadzic	I	14/06/99	07/12/00 13/09/01	Military pension	Inhumane and degrading treatment Discrimination Right to an effective remedy Right to property	I I I I	Court recalls that although no right to a pension as such is guaranteed ... payments of contributions to a social security fund may create a property right protected by Art 1 Prot 1; States enjoy quite a wide margin of appreciation in regulating its social policy, including pension system;
169. Hussein v. ... No.23276/04	I	29/06/04	14/03/06	Invasion to Iraq. H. maintained that he would be executed following a finding of guilt after a 'show trial' for which he lacks even the basic tools of defense	Articles 2, 3, 5, and 6 together with Article 1 of the 6th and 13th Protocols.	I	H. has not established that he fell within the jurisdiction of the respondent States on any of the bases alleged. The ECHR considers that he has not demonstrated that those States had jurisdiction on the basis of their control of the territory where the alleged violations took place (<i>Loizidou v. Turkey</i>)

170. Ibrulj	I	20/09/01	13/03/03	Civil action against Zagreb hospital Application: 20 Sept 2001	Length of proceedings	I	<ul style="list-style-type: none"> Applicant's case pending before appellate court Complaint on length of proceedings rejected due to rule of exhaustion of domestic remedies Article 63 Act on CC provides effective remedy in respect of length of proceedings See also <i>Nogolica, Slavicek</i>
171. Ilic	I	23/07/98	19/09/00	Residency case Movement and Stay of Aliens Act 1991 Denial of permanent residence	Length of proceedings Right to an effective remedy Right to property	I	Court recalls ... the opinion that the decisions, regarding the entry, stay and deportation of an alien, taken in a country of which he is not a national do not entail any determination of his civil rights or obligations ... in the meaning of Article 6 (1): inadmissible <i>ratione materiae</i> ; Convention ' <i>does not guarantee as such any right to enter or to reside in a contracting State to persons who are not nationals and that the rights entailed in Art 1 Prot 1 do not encompass the right for a foreign citizen who owns property in another country to permanently reside in that country in order to use his property</i> '
172. Jankovic	I	11/09/98	12/10/00	Military Pension	Right to property Discrimination Length of proceedings	I	<i>'the right to derive benefits from [social security] system ... cannot be interpreted as giving an individual right to a pension of a particular amount'</i> ; Court considers that States enjoy quite a wide margin of appreciation in regulating their social policy; Croatia merely adjusted pensions of all other categories of pensioners; loss of a certain percentage of his pension has not resulted in the essence of his pension rights being impaired;
173. Jeftic	I	21/10/99	11/10/01 03/10/02	Civil action for payment of sick leave allowance	Length of proceedings Right to an effective remedy	I I I	Constitutional Court provides applicant with effective remedy in respect of the length of proceedings (Article 63 Constitutional Act on CC)
174. Jovanovic	I	19/07/00	28/02/02	Civil action against dismissal	Right to freedom of expression	I	applicant's dismissal was an instantaneous act, which does not give rise to any possible continuous situation of a violation of the Convention, applications thus incompatible <i>ratione temporis</i>
175. Jovic	I	19/11/99	04/05/00 22/05/01	Military Pension	Right to property Discrimination Length of proceedings	I	(see <i>Jankovic</i> case); proceedings lasted one year five months and sixteen days which is not substantial enough to exceed the 'reasonable time' limit

176. Kisic	I	14/09/99	25/05/00 18/10/01	Military Pension Constitutional Court failed to decide on constitutional complaint on constitutionality of YPA Pensions Act	Inhumane and degrading treatment Right to property Right of access to a court	I I I	Complaint incompatible <i>ratione materiae</i> as applicant failed to use remedy with CC challenging directly the decision of the administrative court
177. Kuljanin	I	12/11/01	03/06/04	Article 180 Civil Obligations Act	Right of access to a court	I	Application was rejected <i>ratione personae</i>
178. Labus	I	11/05/99	04/05/00 18/10/01	Military Pension Constitutional Court failed to decide on constitutional complaint on constitutionality of YPA Pensions Act	Right to access to a court	I	Complaint incompatible <i>ratione materiae</i> as applicant failed to use remedy with CC challenging directly the decision of the administrative court
179. Lapaine Application No. 16153/02	I	01/03/02	26/05/05	Restitution of/compensation for the property disposed during communist regime	Right to property	I	The failure of Croatian authorities to adopt the Rules during the three months period between the issuance of enforceable decision, which was quashed later in proceedings, and enactment of Rules, did not amount to an unacceptable interference with the applicant's property rights in the present case.
180. Lazarevic	I	03/08/99	07/12/00 04/05/00	Military Pension	Right to property Discrimination Length of proceedings	I	Proceedings lasted for only one year, three months and 28 days after the entry into force of the Convention in respect of Croatia, the Court finds that that delay does not appear substantial enough for the length of the proceedings before the Constitutional Court to have exceeded a "reasonable time" within the meaning of Article 6
181. Marinkovic Application No. 13854/02	I	01/03/02	16/06/05	1996 Civil Obligations Act	Right of access to a court Right to an effective remedy Length of proceedings	I I	The complaint incompatible <i>ratione personae</i> . The complaint incompatible <i>ratione temporis</i> .
182. Mikic	I	22/02/00	19/12/02 30/05/02	Civil action for repayment of loan	Length of proceedings Right to an effective remedy	I	Court finds that the newly introduced Section 63 of the 2002 Constitutional Act on the Constitutional Court does provide the applicant with an effective remedy in respect of the length of the proceedings
183. Mladenic	I	01/06/99	07/09/00 14/06/01	Constitutional Court terminated proceedings, wrongly deeming that he withdrew his claim Criminal proceedings Prison conditions	Right of access to a court Inhumane and degrading treatment Right to family life	I I I	'Authorities cannot be held responsible ... because the applicant failed to take the necessary steps to ensure receipt of his mail ...'

184. Momcilovic	I	30/05/00	27/09/01 29/08/02	Issuance of documents Return and tenancy rights	Right to property Right to family life Right to access to a court Discrimination Right to enter the territory	I I I I I	Manifestly ill-founded b/c applicant has in the meantime entered Croatia, received travel document; did not submit any proof of his protected tenancy right
185. Naletilic	I	18/10/99	04/05/00	Criminal proceedings, war crimes Extradition to ICTY	Length of proceedings Right to impartial, independent tribunal No heavier penalty rule	I I I	'... Court cannot take into consideration the length of some hypothetical future proceedings...'; ICTY offers all the necessary guarantees including those of impartiality and independence;
186. Nogolica	I	17/09/01	05/09/02	Libel cases	Length of proceedings Right to an effective remedy	I I	Constitutional Court provides applicant with effective remedy in respect of the length of proceedings (Article 63 Constitutional Act on CC)
187. Ocic	I	22/02/99	25/11/99	Act on Compensation for and restitution of assets taken under the Yugoslav communist regime	Right to property Length of proceedings	I I	Court observes that applicant is ' <i>unable to demonstrate that he ... is personally affected ... or ... claim to be a victim of a violation of the Convention</i> '; claim is thus inadmissible <i>ratione personae</i> ; for a complaint under Article 6 (1) there ' <i>must be a genuine and serious dispute over a civil right which can be said, at least on arguable grounds, to be recognized under domestic law</i> ' ... ' <i>mere tenuous connections or remote consequences are not sufficient</i> '; complaint has nature of an <i>actio popularis</i> and is inadmissible <i>ratione materiae</i>
188. Omerovic	I	13/03/00	09/12/99	Criminal proceedings	Right to a fair trial Unfair proceedings Right to an effective remedy	I I I	Court observes that ' <i>the period of two years and a few weeks is not excessive for the proceedings before the Constitutional Court</i> ';
189. Omerovic II	I	13/03/00	06/02/03	Civil action for payment of damages against insurance company	Length of proceedings Right to an effective remedy Other	I	<ul style="list-style-type: none"> ▪ Case pending at first instance after SC remitted for re-trial Complaint on length of proceedings rejected due to rule of non-exhaustion of domestic remedies Article 63 Act on CC provides effective remedy in respect of length of proceedings complaints pending at domestic court See also <i>Nogolica, Slavicek</i>
190. Ostojic	I	11/04/02	26/09/02	Article 184a Act on Amending Civil Obligations Act 1999	Right of access to a court Right to an effective remedy Right to respect for home and family life Right to property Discrimination	I I I I I	Complaint manifestly ill-founded (applicant never instituted proceedings for compensation)

191. Pejic	I		19/12/02	Customs offence	Length of proceedings Right to an effective remedy	I	Complaint was introduced out of time
192. Plaftak and others	I	17/09/01	03/10/02	Civil actions for repayment of loans	Length of proceedings Right to an effective remedy	I	Court finds that the newly introduced Section 63 of the 2002 Constitutional Act on the Constitutional Court does provide the applicants with an effective remedy in respect of the length of the proceedings
193. Rajkovic	I	16/09/99	04/05/00 03/05/01	Military Pension Complaint that his pension was reduced Constitutional Court failed to provide adequate reasoning	Right to property Right to a fair trial	I	<i>'the right to derive benefits from [social security] system ... cannot be interpreted as giving an individual right to a pension of a particular amount'</i> ; Court considers that States enjoy quite a wide margin of appreciation in regulating their social policy; Croatia merely adjusted pensions of all other categories of pensioners; loss of a certain percentage of his pension has not resulted in the essence of his pension rights being impaired; (see <i>Jankovic</i> case) Court reiterates that Article 6 (1) obliges courts <i>'to give reasons for their decisions, but cannot be understood as requiring a detailed answer to every argument'</i> ;
194. Rudan	I	04/02/99	13/09/01	Tenancy right Non enforcement of eviction order	Length of proceedings Right to respect for home Discrimination	I	Complaint on Article 8 inadmissible <i>ratione temporis</i> as final decision terminating applicant's specially protected tenancy right before entry into force of the Convention in Croatia; Art 6 (1) does not apply to proceedings concerning the re-opening of a civil case
195. Sevo	I	30/06/99	14/06/01	Military pension	Right to property Discrimination	I	<i>'the right to derive benefits from [social security] system ... cannot be interpreted as giving an individual right to a pension of a particular amount'</i> ; Court considers that States enjoy quite a wide margin of appreciation in regulating their social policy; Croatia merely adjusted pensions of all other categories of pensioners; loss of a certain percentage of his pension has not resulted in the essence of his pension rights being impaired; (see <i>Jankovic</i> case)
196. Slavicek	I	10/05/02	04/07/02	Civil action for repayment of loan	Length of proceedings Right to an effective remedy	I	Constitutional Court provides applicant with effective remedy in respect of the length of proceedings (Article 63 Constitutional Act on CC)

197. Soric	I	11/09/98	16/03/00	Specially protected tenancies Act Leases Act	Right to family life Right to property Discrimination	I I I	Court notes that applicant is not and has never been the owner of the flat, his position has been that of a lessee and that Art 1 Prot 1 does not guarantee a right to buy any property; a difference in treatment is discriminatory if it has 'no objective and reasonable justification', that is, if it does not pursue a 'legitimate aim' or if there is no 'reasonable relationship of proportionality': distinction between former holders of specially protected tenancy rights on publicly owned flats, deriving from their right to buy flats, and persons with tenancy rights of a privately-owned flat is not discriminatory
198. Srpska Pravoslavna Crkvena Opstina na Rijeci no. 38312/02	I	20/09/02	18/05/06	1996 Flat Lease Act creates a special category of tenants (ex-OTR holders) and obligates owners to indefinitely lease flats, subject to the payment of 'protected' rent prescribed by the Government, while providing limited reasons for termination of the lease. For the termination purposes the law distinguishes between owners who are natural persons and those that are legal entities. A legal entity cannot terminate the protected lease contract as long as a protected tenant does not violate the conditions of the tenancy, while private owners can reclaim it for own use.	Property (A1P1)	I	The refusal to terminate the lease contract was in accordance with law and pursued a legitimate aim, i.e. "the social protection of tenants." The Government contended that "[i]n order to minimize negative consequences of abandoning the socialist regime, it was necessary to provide the former holders of specially protected tenancies on privately-owned flats with a possibility to continue living in those flats." Up to 10,000 households continue to reside in protected tenancy flats located in private property.
199. Stajcar	I	19/02/99	20/01/00	Restitution of or compensation for confiscated property Article 218 Law on Administrative Procedure Article 26 Law on Administrative Disputes Act	Length of proceedings Right to property	I I	Applicant failed to exhaust domestic remedies
200. Strunjak and others	I	22/03/99	05/10/00	Tenancy case	Right to access to a court Right to an effective remedy Right to family life Discrimination	I	See <i>Soric v. Croatia</i> (82)
201. Toth	I	16/10/00	05/07/01 09/07/02	Prison treatment	Inhuman or degrading treatment Right to an effective remedy	I	<i>Court reiterates that allegations of ill-treatment must be supported by appropriate evidence, following the standard of proof "beyond reasonable doubt" but adds that such proof may follow from the coexistence of sufficiently strong, clear and concordant inferences or of similar unrebutted presumptions of fact;</i> <i>Court notes that since the application does not disclose a violation of Article 3 of the Convention and is manifestly ill-founded for the reasons explained above there cannot be violation of Article 13 as there is no 'arguable claim'</i>

202. Toth II	I	27/03/02	02/09/04	Constitutional Court length of proceedings – criminal case	Length of proceedings / criminal proceedings	I	Applicant had several parallel proceedings pending before Constitutional Court, filed various unsolicited submissions, extended complaints on several occasions; Court observes some delay in Constitutional Court's decision, but not unreasonably long;
203. Uglesic	I	16/09/9	07/09/00 11/10/01	Civil action for payment of damages	Length of proceedings Right to an effective remedy Discrimination	I	Court finds that delays that occurred after entry into force of the Convention are attributable to applicant; Article 13 is thus to require the provision of a domestic remedy to deal with the substance of an 'arguable complaint' under the Convention
204. Vorwald	I	01/07/01	13/03/03	Civil action for payment of damages Application: 13 Mar 2000	Length of proceedings	I	<ul style="list-style-type: none"> ▪ Applicant's case pending before appellate court Complaint on length of proceedings rejected due to rule of exhaustion of domestic remedies Article 63 Act on CC provides effective remedy in respect of length of proceedings complaints pending at domestic court See also <i>Nogolica, Slavicek</i>
205. Zaklanac	I	27/05/99	16/03/00 15/11/01	Tenancy rights Non enforcement of eviction order Claim that applicant's life and security were in danger in 1991 forcing them to leave Croatia	Right to personal life Right to liberty and security Liberty of movement Right not to be expelled Right to a fair trial Right to respect of home and private life Discrimination Right to property	I I I I I I I I	Facts complained with regard to security are inadmissible <i>ratione temporis</i> ;
206. Amanovic Application No. 17343/02	SO	09/03/02	03/05/05	Terrorist acts Art. 180 Civil Obligations Act	Right to access a court	SO	The applicants or their legal representative failed to respond to the correspondence from the Court within the deadline. Therefore, the Court found that the applicants did not intend to pursue the application.
207. Dobrotinic no.13848/02	SO	27/02/02	13/02/03 24/06/04	Article 180 Civil Obligations Act	Right of access to a court Right to an effective remedy Right to property	Ad I I	Destruction of property was an ' <i>instantaneous act of deprivation of property which did not create any continuous situation</i> ' – inadmissible <i>rationae temporis</i>

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208. Halko no. 30365/04	SO	19/08/04	18/10/05	Extradition of a Czech national arrested on the basis of international warrant	Prohibition of torture Right to fair trial Prohibition of slavery and forced labour Prohibition of discrimination	SO	The Court established that the criminal proceeding against the applicant in Georgia had been terminated so he was no longer under the threat of being extradited to Georgia. The applicant failed to respond to further communication by the Court, which was sufficient to conclude that he did not want to pursue his application.
209. Kraljek	SO	11/05/99	25/05/00 08/02/01	Military Pension	Right of access to a court Right of freedom of thought Right to property	SO I I	Withdrawn
210. Leontic	SO	22/03/99	25/05/00 14/09/00	Military Pension	Right to access to a court Discrimination Right to property	SO I I	Withdrawn

The most recent cases added to the chart (July – 7 Sep 2006):

Bogunovice – Ad (pI)

Secic – A (pI)

Gavella – I

ⁱ **STATUS:**

- A Admissible (pI – partly Inadmissible)
- Ad Adjourned (ie Court gives notice of the application to the respondent Government according to Rule 54 (2) b Rules of the Court)
- D Final Decision
- I Inadmissible
- SO Struck out of the list
- FS Friendly settlement
- NSI No Separate issue
- NN Not necessary to rule

Total number of cases 210

Judgments	65
▪ Violation	X
▪ No violation	X
Friendly settlements	77
▪ Admissible	X

▪ Adjourned	X
▪ Only decision	X
Admissible and pending review on merits	3
Adjourned admissibility decisions	8
Applications declared inadmissible	52
Struck out of the list	5
Total number of cases	210

Damages/costs awarded:	EUR
Pecuniary damages	X
Non pecuniary damages	X
Pecuniary and non pecuniary damages combined	X
Costs and expenses	X
Friendly settlements	X
Total amount awarded	X