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Meeting: 1318th meeting (June 2018) (DH)

Item reference: Action report (29/03/2018)

Communication from Croatia concerning the cases of CULI, MECIC, SINICIC, ZGLAVNIK and VRTAR v. Croatia (Applications No. 29481/13, 37226/13, 25803/05, 28018/10, 39380/13)

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Réunion : 1318^e réunion (juin 2018) (DH)

Référence du point : Bilan d'action

Communication de la Croatie concernant les affaires CULI, MECIC, SINICIC, ZGLAVNIK et VRTAR c. Croatie (requêtes n° 29481/13, 37226/13, 25803/05, 28018/10, 39380/13) (**anglais uniquement**)



DGI

29 MARS 2018

SERVICE DE L'EXECUTION
DES ARRETS DE LA CEDH

GOVERNMENT OF THE REPUBLIC OF CROATIA
OFFICE OF THE REPRESENTATIVE OF
THE REPUBLIC OF CROATIA BEFORE
THE EUROPEAN COURT OF HUMAN RIGHTS

Class: 004-02/16-05/15

Reg.No.:50447-04/02-18-06

Zagreb, 29 March 2018

ACTION REPORT

Culi v. Croatia

29481/13, judgment of 10 July 2014 , final on 10 July 2014

Mečić v. Croatia

37226/13, judgment of 19 July 2016, final on 19 July 2016

Siničić v. Croatia

25803/05, judgment of 8 January 2009, final on 8 April 2009

Vrtar v. Croatia

39380/13, judgment of 7 January 2016, final on 7 April 2016

Zglavnik v. Croatia

28018/10, judgment of 24 July 2012 final on 24 July 2012

Office of the Representative of the Republic of Croatia
before the European Court of Human Rights

I. CASE DESCRIPTION

1. These clone cases of the *Kvartuč group v. Croatia* (4899/02) concern violations of the applicants' right to a trial within reasonable time on account of excessive length of enforcement proceedings (violations of Article 6§1).
2. The case of *Vrtar* also concerns the lack of an effective remedy in this respect (violations of Article 13).
3. The case of *Siničić* furthermore concerns a violation of the applicant's right to peaceful enjoyment of possessions on account of non-execution of court settlements providing for the return of a vehicle (violations of Article 1 of Protocol 1).

II. INDIVIDUAL MEASURES

4. The authorities took measures to bring the violation to an end and redress the applicants.
5. At the outset, the Government highlights that the impugned proceedings in these cases have been brought to an end. In particular, the domestic enforcement proceedings were terminated in *Culi* on 20 June 2014, in *Mečić* on 17 June 2011, in *Siničić* on 29 June 2007, in *Vrtar* on 20 February 2015 and in *Zglavnik* on 13 March 2015.
6. As regards the applicant in *Siničić* the Government highlights that the European Court established the following facts. On 2 October 1997 the Zagreb Municipal ordered Ministry of Interior to return the vehicle concerned to the applicant in good working order. In the ensuing enforcement proceedings, on 14 September 2006 the Sisak Municipal Court established that the applicant's vehicle still had some defects. These were immediately removed but the applicant nevertheless refused to receive delivery from the Ministry of Interior. In view of the above, on 2 October 2006 the Sisak Municipal Court ordered that the vehicle be kept by the Ministry of Interior in a closed garage at the applicant's expense. The vehicle remained in the possession of the Ministry as the applicant refused to take possession of it (§§17-18). The applicant's vehicle is still being kept by the Ministry of Interior in a closed garage. The applicant may at any time take possession of his vehicle, but has not done so to this day.
7. The Government furthermore indicates that the applicants claimed non-pecuniary damage. The Court awarded them just satisfaction under this head. The applicants in *Culi*, *Mečić*, *Siničić*, *Vrtar* and *Zglavnik* also claimed pecuniary damage. The Court did not discern any causal link between the violation found and the pecuniary damage alleged and therefore rejected their claims.

III. GENERAL MEASURES

8. The Government recalls that general measures in response to the shortcomings found by the Court in the present judgments are examined within the framework of the *Kvartuč group* (4899/02). The Government therefore considers that the closure of these cases in no way prejudices the Committee's evaluation of the general measures in relation to the excessive length of the impugned proceedings.

IV. JUST SATISFACTION

9. The authorities ensured that the just satisfaction awarded by the Court was disbursed to the applicants within the deadline imparted by the Court. In particular, payments were made to the applicant in *Culi* on 20 August 2014, in *Mečić* on 12 October 2016, in *Siničić* on 29 May 2009, in *Vrtar* on 15 June 2016 and in *Zglavnik* on 17 October 2012.

V. CONCLUSION

10. The Government considers that the individual measures brought the violations to an end and redressed the applicants.
11. The general measures continue to be examined within the framework of the *Kvartuč group v. Croatia* (4899/02).
12. The Government therefore considers that it has exercised its functions under Article 46, paragraph 2, of the Convention in these cases as regards the individual measures.

Štefica Stajnik

Representative