

SECRETARIAT GENERAL

SECRETARIAT OF THE COMMITTEE OF MINISTERS
SECRETARIAT DU COMITE DES MINISTRES



Contact: Abel Campos
Tel: 03 88 41 26 48

Date: 13/02/2014

DH-DD(2014)227

Documents distributed at the request of a Representative shall be under the sole responsibility of the said Representative, without prejudice to the legal or political position of the Committee of Ministers.

Meeting: 1193 meeting (4-6 March 2014) (DH)

Item reference: Communication from the authorities (11/02/2014)

Communication from Slovenia concerning the case of Kurić against Slovenia (Application No. 26828/06)

Information made available under Rule 8.2.a of the Rules of the Committee of Ministers for the supervision of the execution of judgments and of the terms of friendly settlements.

* * * * *

Les documents distribués à la demande d'un/e Représentant/e le sont sous la seule responsabilité dudit/de ladite Représentant/e, sans préjuger de la position juridique ou politique du Comité des Ministres.

Réunion : 1193 réunion (4-6 mars 2014) (DH)

Référence du point : Communication des autorités

Communication de la Slovénie relative à l'affaire Kurić contre Slovénie (Requête n° 26828/06)
(anglais uniquement).

Informations mises à disposition en vertu de la Règle 8.2.a des Règles du Comité des Ministres pour la surveillance de l'exécution des arrêts et des termes des règlements amiables.

DH-DD(2014)227 : distributed at the request of Slovenia / distribué à la demande de la Slovénie.

Documents distributed at the request of a Representative shall be under the sole responsibility of the said Representative, without prejudice to the legal or political position of the Committee of Ministers. / Les documents distribués à la demande d'un/e Représentant/e le sont sous la seule responsabilité dudit/de ladite Représentant/e, sans préjuger de la position juridique ou politique du Comité des Ministres.



STALNO PREDSTAVNIŠTVO REPUBLIKE SLOVENIJE PRI SVETU EVROPE
PERMANENT REPRESENTATION OF THE REPUBLIC OF SLOVENIA TO THE COUNCIL OF EUROPE
REPRESENTATION PERMANENTE DE LA REPUBLIQUE DE SLOVENIE AUPRES DU CONSEIL DE L'EUROPE

40, allée de la Robertsau
67000 STRASBOURG
Tél. : 03 88 36 60 25
Fax. : 03 88 37 14 44

SECRETARIAT GENERAL
Directorate General
Human Rights and Rule of Law

Mr. Philippe Boillat
Director General



Number: 20/14/HH
Date: 10. February 2014

Dear Mr. Boillat,

Please find enclosed the letter, signed by the Minister of the Interior Mr. Gregor Virant, with latest information on the decision by the Constitutional Court of the Republic of Slovenia of the Act on the Regulation of the Status of Citizens of Other Successor States to the Former SFRY in the Republic of Slovenia, relates to the Kurić Case.

I kindly ask the Secretariat to distribute the letter, together with the enclosed document, to all delegations.

Sincerely yours,



Damjan Bergant
Ambassador
* Permanent Representative of
Slovenia to the Council of Europe

Enc:1



REPUBLIKA SLOVENIJA
MINISTRSTVO ZA NOTRANJE ZADEVE

Štefanova ulica 2, 1501 Ljubljana

T: 01 428 40 00
F: 01 428 47 33
E: gp.mnz@gov.si
www.mnz.gov.si



SECRETARIAT GENERAL
Directorate General
Human Rights and Rule of Law

Mr. Philippe Boillat
Director General

File number: 050-1/2013/12 (13-02)
Date: 7. 2. 2014

Subject: Initiative for instigating the procedure for reviewing the constitutionality of the Act on the Regulation of the Status of Citizens of Other Successor States to the Former SFRY in the Republic of Slovenia - Information on the decision by the Constitutional Court of the Republic of Slovenia

Sir or Madam,

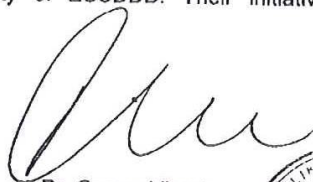
The society Civil Initiative of the Erased and other initiators filed their initiative with the Constitutional Court RS to review the constitutionality of the Act on the Regulation of the Status of Citizens of Other Successor States to the Former SFRY in the Republic of Slovenia (Official Gazette RS no. 76/10 – consolidated versions, hereinafter ZUSDDD) and additionally the entire legal order of the Republic of Slovenia. In the opinion of the initiators, the Slovenian legal order, as regards the people erased from the permanent population register, does not allow the termination of human rights and fundamental freedoms' infringements, resulting from the erasure of these people from the permanent population register. In the initiative they declared, that there is a legal vacuum in Slovenia since the applicable laws do not permit the suppression of infringements of human rights and fundamental freedoms of persons erased from the permanent population register caused by the erasure, as well as the compensation for their material and non-material damage, resulting from the unconstitutional, as well as unlawful treatment by the Slovenian public authorities. The Constitutional Court RS was requested to establish the unconstitutionality of ZUSDDD.

The Constitutional Court RS issued the decision no. U-I-85/11 dated 24.1.2014 by which it dismissed the initiative to review the constitutionality of ZUSDDD.

The Constitutional Court RS established that the Slovenian National Assembly adopted the Act Regulating Compensation for Damage to Persons Erased from the Permanent Population Register on 21.11.2013 (Official gazette RS no. 99/13, hereinafter ZPŠIRSP) which took effect on 18.12.2013, and will apply as of 18.6.2014. This Act regulates the right to financial compensation and other forms of just satisfaction with the purpose to eliminate the violations of human rights and fundamental freedoms of persons erased from the permanent population register defined in this Act.

The Constitutional Court RS assessed that the legislator filled the unconstitutional legal vacuum claimed by adopting ZPŠIRSP therefore the initiators no longer have a legal interest in reconsidering the constitutionality of ZUSDDD. Their initiative has consequently been dismissed.

Yours faithfully,



Dr. Gregor Virant
Minister

