

ICCPR Case Digest

CCPR/C/112/D/2068/2011

Communication
No. 2068/2011

Submission: 21.03.2011
Adopted: 30.10.2014

Vojnovic v. Croatia

Case of ill-treatment based on ethnic origin declared inadmissible as already examined by the European Court

Substantive Issues

- Effective remedy
- Ill-treatment
- Liberty & security to enter one's own country
- Fair trial
- Discrimination

Relevant Articles

- Art. 2(1)
- Art.3(b)
- art. 7
- Art. 9(1)
- Art. 12(4)
- Art. 14(1)
- Art. 17
- Art. 26

Violations

- None

Facts

The author, a Croatian citizen of Serb origin, was asked to show his ID documents by police authorities on May 14th 1991 in Zagreb. He cooperated but was beaten while brought to the police station without any charges hold against him. Then, on May 21st 1991 and June 5th 1991, same events happened to him. In the meantime, the author had received death threats to leave the apartment he and his family were occupying in Zagreb.

From 1991 to 1997, the author was not granted new ID documents from Croatian authorities and was then unable to re-enter Croatia after temporary stays outside the country.

On July 28th 2003, the author raised a complaint to the Zagreb Municipal Court as he claimed to be victim of discrimination and torture. However, 3 years later, the Municipal Court rejected his complaint, qualifying it as "unsuitable for discussion".

Then, on November 20th 2009, the author submitted a new complaint before the Constitutional court that also rejected it one month later.

The author claims to be a victim of a violation by Croatia of his rights under articles 7, 9 paragraph 1 and 17 of the Covenant. Indeed, he suffered from body injuries caused by police use of force. He also claims to have been victim of arbitrary detention.

The author also states that his rights were violated by Croatia under article 12, paragraph 4 as he was unable to get new ID documents to enter his home-country.

On top, the author asserts that proceedings before the Croatian courts were not conducted in a timely manner and that no justification was provided.

Overall, the author claims to be a victim of ethnic discrimination. His rights under article 2 (1,3b), article 14 (1) and article 26 have been violated.

Committee's View

Consideration of admissibility

In accordance with the article 5 paragraph 2 (a) of the Optional Protocol, the Committee must ascertain that the current matter is not examined under another "*procedure of the international investigation or settlement*". The Committee also notes that the authors filed an application against Croatia on similar issues that those presented in this case, before the European Court of Human Rights. The European Court removed the case from the pending case in June 2013, given the fact that a friendly settlement had been reached by the Parties. In that context, the Committee considers that the facts were already "examined" by the European Court and declares the communication inadmissible.

Consideration of merits

Inadmissible

Recommendation

The human rights committee therefore decided:

- a. The communication is inadmissible under article 5, paragraph 2 (a), of the Optional Protocol;
- b. The decision has to be transmitted to the state party and the author.