



Forthcoming Grand Chamber judgment concerning reopening of criminal proceedings in respect of offences newly classified as war crimes

The European Court of Human Rights will be delivering a Grand Chamber judgment in the case of **Marguš v. Croatia** (application no. 4455/10) at a public hearing on **27 May 2014 at 11 a.m.** in the Human Rights Building, Strasbourg.

The case concerns the conviction, in 2007, of a former commander of the Croatian army of war crimes against the civilian population committed in 1991. He complains in particular: that his right to be tried by an impartial tribunal and to defend himself in person was violated; and, that the criminal offences of which he was convicted were the same as those which had been the subject of proceedings against him terminated in 1997 in application of the General Amnesty Act.

Principal facts

The applicant, Fred Marguš, is a Croatian national who was born in 1961 and is currently serving a prison term in Lepoglava State Prison (Croatia).

A first set of criminal proceedings against him on charges of a number of offences including murder had been terminated in 1997 under the General Amnesty Act, which amnestied criminal offences committed during the war in Croatia between 1990 and 1996.

In September 2007, the Supreme Court found the decision to terminate the proceedings to be in violation of the Amnesty Act. It held in particular that Mr Marguš had committed the alleged offences as a member of the reserve forces after his tour of duty had terminated. Accordingly, there had not been a significant link between the alleged offences and the war, as required by the Act, as otherwise the amnesty would encompass all offences committed by members of the Croatian army between August 1990 and August 1996, which had not been the legislature's intention.

In parallel, Mr Marguš was tried in a second set of criminal proceedings, in which he was convicted of war crimes against the civilian population and sentenced to 15 years' imprisonment by a judgment which became final in September 2007. The courts found that Mr Marguš had killed and tortured Serbian civilians, had treated them in an inhuman manner, had unlawfully arrested them, had ordered the killing of a civilian and robbed the assets of the civilian population. Those acts had violated international law, in particular the Geneva Convention Relative to the Protection of Civilian Persons in Time of War.

Complaints and procedure

Relying on Article 6 §§ 1 and 3 (c) (right to a fair trial) of the Convention, Mr Marguš complains that the same judge participated in the proceedings terminated in 1997 and those in which he was later found guilty, and that he was deprived of the right to give closing arguments. Relying on Article 4 of Protocol No. 7 to the Convention (right not to be tried or punished twice for the same offence), he complains that some of the criminal offences which were the subject of the proceedings terminated in 1997 were the same as some of the offences of which he was later convicted.

The application was lodged with the European Court of Human Rights on 31 December 2009. In its [Chamber judgment](#) of 13 November 2012, the Court unanimously held that there had been no violation of Article 6 §§ 1 and 3 (c) and no violation of Article 4 of Protocol No. 7. On 18 March 2013

the case was referred to the Grand Chamber at Mr Margaš' request. A Grand Chamber hearing took place in public in the Human Rights Building, Strasbourg, on 26 June 2013.

This press release is a document produced by the Registry. It does not bind the Court. Decisions, judgments and further information about the Court can be found on www.echr.coe.int. To receive the Court's press releases, please subscribe here: www.echr.coe.int/RSS/en or follow us on Twitter [@ECHRpress](https://twitter.com/ECHRpress).

Press contacts

echrpress@echr.coe.int | tel: +33 3 90 21 42 08

Nina Salomon (tel: + 33 3 90 21 49 79)

Tracey Turner-Tretz (tel: + 33 3 88 41 35 30)

Denis Lambert (tel: + 33 3 90 21 41 09)

The European Court of Human Rights was set up in Strasbourg by the Council of Europe Member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.