



Mraović case struck out of list owing to applicant's death

In today's **Grand Chamber** judgment in the case of [Mraović v. Croatia](#) (application no. 30373/13) the European Court of Human Rights decided, unanimously, to:

strike the application out of its list of cases.

The case concerned the applicant's right to a public hearing in proceedings against him on charges of rape.

In view of the applicant's passing on 9 November 2020, the Government requested that the application be struck out of its list of cases. Given that no close relative wished to pursue the case, the Court considered that it was no longer justified to consider the application.

Principal facts

The applicant, Josip Mraović, was a Croatian national who was born in 1948 and lived in Gospić (Croatia). He died on 9 November 2020.

In 2005 a local basketball player reported to the police that the applicant had sexually assaulted her. He was immediately arrested on suspicion of rape and the local police published a press statement disclosing the victim's identity.

The applicant was acquitted by the first-instance court later in the year following proceedings which, at his request, were closed to the public. However, following a retrial, he was found guilty of rape in 2008 and ultimately sentenced to two years' imprisonment.

During those proceedings he twice requested that the case be heard in open court, arguing that the victim had given a number of newspaper interviews, while he had been stigmatised by the media owing to the exclusion of the public from the trial. The court dismissed his requests, as it considered that exclusion of the public was necessary for the protection of the victim's private life.

The decision to allow the trial to be held in camera was subsequently reviewed on appeal by the Supreme Court, which concluded that there had been no breach of the applicant's rights in the criminal proceedings.

A constitutional appeal by the applicant was dismissed as ill-founded in 2012.

Complaints, procedure and composition of the Court

Relying on Article 6 § 1 (right to a fair trial), Mr Mraović complained that the domestic courts justified excluding the public from the hearing of his case merely by the need to protect the victim's private life, without balancing that against his right to a public hearing. Nor did the domestic courts ever explain why it had been necessary to exclude the public from the entire proceedings, instead of just from certain hearings.

The application was lodged with the European Court of Human Rights on 10 April 2013. In its Chamber judgment of 14 May 2020, the Court held, by 6 votes to 1, that there had been no violation of Article 6 § 1 (right to a fair hearing) of the Convention. On 21 July 2020 the applicant requested that the case be referred to the Grand Chamber under Article 43 (referral to the Grand Chamber) and on 12 October 2020 the panel of the Grand Chamber accepted that request.

Judgment was given by the Grand Chamber of 17 judges, composed as follows:

Robert **Spano** (Iceland), *President*,
Jon Fridrik **Kjølbro** (Denmark),
Ksenija **Turković** (Croatia),
Paul **Lemmens** (Belgium),
Síofra **O’Leary** (Ireland),
Yonko **Grozev** (Bulgaria),
Dmitry **Dedov** (Russia),
Georges **Ravarani** (Luxembourg),
Georgios A. **Serghides** (Cyprus),
Marko **Bošnjak** (Slovenia),
Péter **Paczolay** (Hungary),
María **Elósegui** (Spain),
Erik **Wennerström** (Sweden),
Saadet **Yüksel** (Turkey),
Lorraine **Schembri Orland** (Malta),
Peeter **Roosma** (Estonia),
Ana Maria **Guerra Martins** (Portugal),

and also Søren **Prebensen**, *Deputy Grand Chamber Registrar*.

Decision of the Court

In view of the applicant’s passing on 9 November 2020, the Government requested that the application be struck out of its list of cases. Given that no close relative wished to pursue the case, the Court considered that it was no longer justified to consider the application.

The judgment is available in English and French.

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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.