

EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

SECOND SECTION

CASE OF OBAJDIN v. CROATIA

(Application no. 39468/13)

JUDGMENT

STRASBOURG

4 July 2017

FINAL

04/10/2017

This judgment has become final under Article 44 § 2 of the Convention. It may be subject to editorial revision.



In the case of Obajdin v. Croatia,

The European Court of Human Rights (Second Section), sitting as a Chamber composed of:

Işıl Karakaş, *President,*
Julia Laffranque,
Nebojša Vučinić,
Valeriu Griţco,
Ksenija Turković,
Jon Fridrik Kjølbro,
Stéphanie Mourou-Vikström, *judges,*
and Hasan Bakırcı, *Deputy Section Registrar,*

Having deliberated in private on 13 June 2017,

Delivers the following judgment, which was adopted on that date:

PROCEDURE

1. The case originated in an application (no. 39468/13) against the Republic of Croatia lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") by two Croatian nationals, Mr Josip Obajdin and Mr Pave Obajdin ("the applicants"), on 2 May 2013.

2. The applicants were represented by Ms B. Jeličić Vnučec, a lawyer practising in Zagreb. The Croatian Government ("the Government") were represented by their Agent, Ms Š. Stažnik.

3. The applicants alleged that the investigation into the death of their close relatives, G.O. and M.V., had not been effective.

4. On 8 April 2014 the application was communicated to the Government.

THE FACTS

THE CIRCUMSTANCES OF THE CASE

5. The first applicant was born in 1983 and lives in Ludbreg. The second applicant was born in 1959 and lives in Slunj.

A. Background to the case

6. During 1991 and 1992 Serbian paramilitary forces gained control of about a third of the territory of Croatia and proclaimed the "Serbian

Autonomous Region of Krajina" (*Srpska autonomna oblast Krajina*, hereinafter "Krajina"). At the beginning of August 1995 the Croatian authorities announced their intention to take military action with the aim of regaining control over Krajina. The operation was codenamed "Storm" (*Oluja*) and took place from 4 to 7 August 1995. Before the military action, the vast majority of the population of Krajina fled Croatia. Most of them went to Bosnia and Herzegovina, and also to Serbia. Some returned to Croatia after the war. The number of people who fled is estimated at between 100,000 and 150,000.

7. On 5 November 1997 Croatia ratified the Convention.

B. The killing of the applicants' relatives and subsequent investigation

8. On 8 August 1995 the applicants' close relatives, G.O. and M.V., were killed in a house in Veljun, a town on the territory of Krajina. The police were alerted to the killings on the same day. On 11 August 1995 the bodies were buried in a cemetery in Slunj.

9. On 25 January 2002 the police interviewed M.M., who said that on 8 August 1995 he had been wounded by the Croatian army in Veljun. That day he had seen G.O. and M.V. alive but did not know what had happened to them after that because he had been taken to a hospital by a member of the Croatian army.

10. On 20 February 2002 the police interviewed D.V. and J.V. D.V. said that on 6 August 1995 she had moved to a house in Veljun, together with the first applicant, G.O. and M.V. On 7 August 1995 the Croatian army had entered Veljun. When G.O. and M.V. had been killed she had not been in the house and had not seen who had killed them. J.V. said that he had lived in Veljun during the war. On 7 August 1995 the Croatian army had entered Veljun. On 9 August 1995 he had heard that G.O. and M.V. had been killed the day before but had not seen who had done it.

11. On 25 February 2002 the police interviewed the second applicant. He said that at the material time he had been serving as a Croatian policeman in Karlovac. He had learned about the killing of his wife G.O. and her mother M.V. on 8 August 1995 when his son, who had lived with his mother and grandmother, had been brought to him. The son said that on the morning of 8 August 1995 some members of the Croatian army had come to their house and asked for the keys of a Golf vehicle parked in the courtyard but that his grandmother had shouted at them. The second applicant assumed that that had angered the soldiers who had then killed his wife and her mother.

12. On 30 March 2006 the Karlovac State Attorney's Office asked the Slunj police whether the Veljun area had been occupied on 7 August 1995; whether the perpetrator of the killing of G.O. had been identified; and

whether G.O. had been a member of the paramilitary forces of Krajina or of the Croatian army. On 6 July 2006 the Karlovac police department replied that Veljun had not been occupied on 7 August 1995 because Serbian paramilitary forces had left the area the previous day as the Croatian forces had advanced from the direction of Slunj. However, owing to the disorganised nature of the withdrawal of the Serbian paramilitary forces, there had still been some armed members of the "Serbian army" in the area. On 7 August 1995 the Croatian forces had started to enter the area and therefore it could be said that from a military point of view that area had been in a war zone. There had been no information about the people who had killed G.O. and she had not been registered as a member of any army.

13. On 25 October 2006 the police interviewed the first applicant, who said that he had lived with his mother and grandmother in Slunj and that his father had been a Croatian policeman. When the war had escalated in 1991 his mother had stayed in Slunj, in occupied territory, since her mother was a disabled person who could not move at all. Some time at the beginning of Operation Storm his uncle had taken them all to a relative's house in Veljun. On 5 or 6 August 1995 the Croatian army had entered Veljun. They had instructed them to put a white flag on their house to indicate that there were civilians living there and his mother had done so. The following day he had spent some time with Croatian soldiers, about 1,500 metres from the house where he had been staying with his family. Around noon he had heard some gunshots from the direction of the house but had not paid much attention to them. About half an hour later he had returned home and had found his mother and grandmother shot dead in the house. He had informed some of the Croatian soldiers about it. After that they had taken him to his father in Slunj. He could not remember whether there had been any dispute between his mother and grandmother and Croatian soldiers about the Golf parked in their courtyard, which had belonged to his uncle.

14. On 17 January 2007 the police interviewed I.B., a policeman who had carried out an inspection of the crime scene. He described how he had found the bodies of G.O. and M.V. On the same day another police officer, Z.G., made a note stating that on 8 January 2007 he had inspected the premises of the elementary school in Veljun, where he had found the following inscriptions on the walls: "Tigers, I.V. 4 August 1995, K.T., 40th regiment GSOSRH" and "Tigers TNT No 31 – Moles".

15. On 1 February 2007 the Karlovac police lodged a criminal complaint with the Karlovac County State Attorney's Office against unknown perpetrators in connection with the killing of G.O. and M.V.

16. On 1 August 2007 the police interviewed Mi.V. who said that she had not been in Veljun during Operation Storm and had no direct knowledge about the killing of G.O. and M.V.

17. On 22 October 2012 a Deputy State Attorney of the Karlovac State Attorney's Office interviewed the applicants, who repeated their previous

statements. The first applicant added that in his opinion the Croatian soldiers who had killed his mother and grandmother had not been those who had been the first to enter Veljun because that group had treated civilians correctly.

18. On 9 November 2012 the Karlovac police asked the Ministry of Defence about the Croatian army units which had been in Veljun between 7 and 12 August 1995, the identity of their commanders and all their members. That request was repeated on 11 December 2012.

19. On 9 January 2013 the first applicant asked the President's Office, the State Attorney, the Karlovac County State Attorney, the Ministry of Justice and the State Attorney's Department of War Crimes to identify the perpetrators of the killing of his mother and grandmother.

20. On 21 February 2013 the Karlovac police drew up a note on the investigation. It stated that documents about the Croatian army units present in Veljun in the material period (those documents have not been submitted to the Court by the Government) showed that on 7 August 1995 at 10.30 a.m. Veljun had been liberated by members of the 143rd Domobran Regiment of Ogulin (*143. domobranska pukovnija Ogulin*), under the command of Captain (*satnik*) N.N. On 7 August 1995 at about noon the armoured battalion of the "Tigers" First Guards Brigade (*oklopna bojna 1. gardijske brigade "Tigrovi"*) under the command of Captain Lj.U., as well as the Second Infantry Battalion of the First Guards Brigade (*2. pješačka bojna 1. gardijske brigade*) under the command of Major A.K., had arrived.

On 8 August 1995 the following Croatian army units had been in Veljun: the Second Infantry Battalion of the 143rd Domobran Regiment from Ogulin under the command of Captain M.K. and the IS-2 (*izvidnička skupina IS-2*) patrol group comprised of the soldiers M.I., M.B., T.N. and Z.Č., under the command of Lance Corporal (*razvodnik*) P.K.

21. Between 27 February and 28 March 2013 the police interviewed several Croatian soldiers who belonged to the units of the Croatian army that had been in Veljun on 7 and 8 August 1995.

N.N., the commander of the Second Battalion of the 143rd Domobran Regiment, said that they had entered Veljun on the morning of 8 August 1995. At the same time the First Guards Brigade under the command of I.K. had been coming to Veljun from the direction of Slunj. He had no knowledge of the killing of two women in Veljun. As regards the officers of the Second Battalion, Z.K. had been in command of the First Company (*prva satnija*), M.B. of the Second Company (*druga satnija*) and I.Z. (who had died later on) of the Third Company (*treća satnija*). The brigade also had a mortar unit (*mitnica minobacača*) under the command of N.V., a communications squad (*desetina za veze*) led by D.L., a medical platoon (*sanitrani vod*) headed by S.P. and an anti-tank platoon (*protuoklopni vod*) under the command of D.S.

B.S., the second-in-command of the First Battalion of the 143rd Domobran Regiment, confirmed that M.K. had been the commander. The regiment had been composed of three companies. The First and Second Companies had been under the command of I.F. and I.P. respectively, but he could not remember the commander of the Third Company. He said that owing to the passage of time he could not remember the places they had been during Operation Storm. He had no knowledge about the killing of civilians in Veljun.

Officer J.C. of the Slunj police said that he had heard about the killing of his colleague's wife and her mother, but had no relevant information.

M.K., the commander of the First Battalion of the 143rd Domobran Regiment of Ogulin, said that that formation had comprised three battalions. His First Battalion and the Second Battalion, which had been under the command of N.N, had had about 970 soldiers. The Third Battalion had been under the command of T.L. He then described the units of the First Battalion and named the commanders he could remember. He had no knowledge about the killing of civilians in Veljun.

A.B., the commander of a platoon of the 134th Domobran Regiment, said that he and his men had spent about an hour in Veljun during Operation Storm but could not say on which day exactly. None of the soldiers in his platoon had searched for civilians in houses and he had no knowledge about the killing of G.O. and M.V.

S.P., the commander of the medical squad of the Second Battalion of the 143rd Domobran Regiment, said that his battalion had entered Veljun at about noon on 7 August 1995 and had stayed there for two days. There had been no military action and he had not given any medical assistance to anyone in Veljun. He knew nothing about the killing of two women there.

Officer I.Š. of the Slunj police said that during Operation Storm a Croatian soldier had approached him and told him that a child in Veljun needed transport. I.Š. had gone with his colleague M.V. to Veljun where they had found two dead bodies and a child in a house. They had taken the child to Slunj police station to join his father, Pave Obajdin. M.V. confirmed that statement.

S.V. said that he had been a policeman in Slunj during Operation Storm and had been the one who had found the bodies of G.O. and M.V.

22. Between 14 October 2014 and 21 October 2015 the police conducted further interviews with Croatian soldiers A.Ž., Z.P., B.S., B.G., V.J. and P.K., who all said they had no knowledge about the killing of G.O. and M.V. In the same period the police also interviewed the victims' relatives G.V., D.M. and S.V., who had all heard about the killing of G.O. and M.V. but had no relevant information about possible perpetrators.

THE LAW

ALLEGED VIOLATION OF ARTICLE 2 OF THE CONVENTION

23. The applicants complained that the authorities had not taken appropriate and adequate steps to investigate the death of G.O. and M.V. and to bring the perpetrators to justice. They relied on Article 2 of the Convention which, in so far as relevant, reads as follows:

> "1. Everyone's right to life shall be protected by law."

A. Admissibility

1. The parties' submissions

24. The Government argued that the applicants had not complied with the six-month time-limit. They maintained that the applicants had lodged their application eighteen years after the killing of their relatives and sixteen years after the Convention had been ratified by Croatia and had not given any explanation for that delay.

25. The applicants replied that the Government itself had submitted that the investigation into the killing of G.O. and M.V. was still ongoing and that the documents submitted by the Government had shown that some steps in the investigation had even been taken after they had lodged their application with the Court.

2. The Court's assessment

(a) Period before October 2012

26. The Court reiterates that the purpose of the six-month rule is to promote legal certainty and to ensure that cases raising issues under the Convention are dealt with within a reasonable period of time. Furthermore, it is also meant to protect the authorities and other parties concerned from being left in a state of uncertainty for a prolonged period of time (see *Bayram and Yıldırım v. Turkey* (dec.), no. 38587/97, ECHR 2002‑III, and *Bulut and Yavuz v. Turkey* (dec.), no. 73065/01, 28 May 2002).

27. Where no remedies are available or are judged to be ineffective, the six-month time-limit in principle runs from the date of the act complained of (see *Hazar and Others v. Turkey* (dec.), no. 62566/00, 10 January 2002). However, special considerations may apply in exceptional cases in which an applicant avails himself of, or relies on, an apparently existing remedy and only subsequently becomes aware of circumstances which render such a remedy ineffective; in such a case it is appropriate to take the start of the six-month period as the date on which he or she first became aware or ought to have become aware of those circumstances rendering the remedy

ineffective (see *Paul and Audrey Edwards v. the United Kingdom* (dec.), no. 46477/99, 7 June 2001).

28. In a number of cases concerning ongoing investigations into the deaths of applicants' relatives, the Court has examined the period of time from which the applicant could or should have started doubting the effectiveness of a remedy (see *Şükran Aydın and Others v. Turkey* (dec.), no. 46231/99, 26 May 2005; *Bulut and Yavuz*, cited above; *Bayram and Yıldırım*, cited above; *Kıniş v. Turkey* (dec.), no. 13635/04, 28 June 2005; *Elsanova v. Russia* (dec.) no. 57952/00, 15 November 2005; *Frandeş v. Romania* (dec.), no. 35802/05, 17 May 2011; *Finozhenok v. Russia* (dec.), no. 3025/06, 31 May 2011; *Attalah v. France* (dec.), no. 51987/07, 30 August 2011; *Deari and Others v. the Former Yugoslav Republic of Macedonia* (dec.), no. 54415/09, 6 March 2012; *Gusar v. Moldova and Romania* (dec.), no. 37204/02, 30 April 2013; *Bogdanović v. Croatia* (dec.), no. 722541/11, 18 March 2014; *Orić v. Croatia*, no. 50203/12, 13 May 2014; *Gojević-Zrnić and Mančić v. Croatia* (dec)., no. 5676/13, 17 March 2015; *Radičanin and Others v. Croatia* (dec.), no. 75504/12; and *Grubić v. Croatia* (dec.), no. 56094/12, 9 June 2015).

29. Consequently, where a death has occurred, the victim's relatives are expected to take steps to keep track of the investigation's progress, or lack thereof, and to lodge their applications with due expedition once they are, or should have become, aware of the lack of any effective criminal investigation (see *Varnava and Others v. Turkey* [GC], nos. 16064/90, 16065/90, 16066/90, 16068/90, 16069/90, 16070/90, 16071/90, 16072/90 and 16073/90, § 158, 18 September 2009). On the same basis, where time is of the essence in resolving the issues in a case, there is a burden on applicants to ensure that their claims are raised before the Court with the necessary expedition to ensure that they may be properly, and fairly, resolved (ibid. § 160).

30. The Court has refrained from indicating any specific period for establishing the point at which an investigation has become ineffective for the purposes of assessing when the six-month period should start to run; the determination of such a period by the Court has depended on the circumstances of each case and other factors, such as the diligence and interest displayed by the applicants, as well as the adequacy of the investigation in question. In this connection, in the above-cited *Varnava and Others* judgment the Court noted that where the lack of progress or ineffectiveness of an investigation was readily apparent, the requirements of expedition might require an applicant to bring such a case before the Court within a matter of months, or at most, depending on the circumstances, a very few years after the events in question. This is particularly pertinent in cases of unlawful death, where there is generally a precise point in time at which the death is known to have occurred and some basic facts are in the public domain; thus, the lack of progress or ineffectiveness of an

investigation will generally be more readily apparent (see *Varnava and Others*, cited above, § 162).

31. In the present case, the Court notes that the applicants' relatives were killed in August 1995. The police inquiry commenced in January 2002 (see paragraph 9 above). The applicants lodged their application with the Court on 2 May 2013, more than seventeen years after the date of their relatives' deaths. The investigation was formally pending at the time at which the application was lodged (contrast with *Utsmiyeva and Others v. Russia* (dec.), no. 31179/11, § 34, 26 August 2014, and *Kukavica v. Croatia* (dec.), no. 79768/12, § 27, 2 June 2015).

32. The Court further observes that between August 2007 and October 2012 there was a standstill in the investigation (see paragraphs 16 and 17 above). The question therefore arises whether the applicants should have concluded at that period, and before 2 May 2013 (when their application was lodged with the Court), that the ineffectiveness of the investigation required them to lodge their application with the Court earlier than they did. The Court notes that this period of inactivity in the investigation lasted some five years and two months. If the applicants failed to become aware of the ineffectiveness of the investigation given such a significant lull in the course of proceedings, the Court considers that this was attributable to their own negligence (see, for example, *Findik and Omer v. Turkey* (decs.), nos. 33898/11 and 35798/11, § 15).

33. The Court observes that since the applicants are the close relatives of the victims of the violations claimed, they may be expected to display due diligence and take the requisite initiative in informing themselves about the progress being made in the investigation. The absence of any activity in the investigation of such a serious crime for such a significant period of time should have prompted them to draw appropriate conclusions (see, for example, *Açış v. Turkey*, no. 7050/05, § 42, 1 February 2011).

34. In view of the above, the Court finds that the applicants have not shown convincingly that some kinds of advances were being made that would justify their inactivity for more than five years. The standstill in the investigation occurred in August 2007, well before 2 May 2013 when this application was lodged (compare to *Finozhenok*, cited above). The Court finds that, following the standstill in the investigation, the applicants ought to have concluded long before – and certainly more than six months before – the introduction of the present application that this investigation was not effective.

35. Accordingly, the Court finds that the part of the present application which refers to the investigation before October 2012 must be rejected for failure to comply with the six-month time-limit set out in Article 35 §§ 1 of the Convention.

(b) Period after October 2012

36. As to the steps taken after October 2012, the Court further reiterates that where information purportedly casting new light on the circumstances of a death comes into the public domain, a new obligation to investigate the death may arise (see *Hackett v. the United Kingdom* (dec.), no. 34698/04, 10 May 2005; *Brecknell v. the United Kingdom*, no. 32457/04, §§ 66-67, 27 November 2007; *Williams v. the United Kingdom* (dec.), no. 32567/06, 17 February 2009; *Gasyak and Others v. Turkey*, no. 27872/03, § 60, 13 October 2009; and *Harrison and Others v. the United Kingdom* (dec.), no. 44301/13, § 51, 25 March 2014). It cannot be the case that any assertion or allegation can trigger a fresh investigative obligation under Article 2 of the Convention. Nonetheless, given the fundamental importance of this provision, the State authorities must be sensitive to any information or material which has the potential either to undermine the conclusions of an earlier investigation or to allow an earlier inconclusive investigation to be pursued further (see *Brecknell*, cited above, § 70).

37. As to the present case, the Court notes that in November 2012 the police attempted to obtain official information about the units of the Croatian Army that had been present in Veljun on 8 August 1995 when the applicants' relatives had been killed. That information was only obtained in February and March 2013, after interviews with the people concerned had begun. That undoubtedly amounted to important fresh evidence. Interviews with possible witnesses were carried out as recently as October 2015 (see paragraph 22 above).

38. In such circumstances, the complaint under the procedural aspect of Article 2 of the Convention concerning the period after October 2012 has been lodged within the six-month time limit.

(c) Conclusion as to the admissibility

39. The Court notes that the complaint concerning the ineffectiveness of the investigation in the period after October 2012 is not manifestly ill-founded within the meaning of Article 35 § 3 (a) of the Convention. It further notes that it is not inadmissible on any other grounds. It must therefore be declared admissible.

B. Merits

1. The parties' submissions

40. The applicants argued that the authorities had not made a serious attempt to elucidate the circumstances surrounding the death of G.O. and M.V., who had obviously been killed.

41. The Government argued that there had been no violation of the procedural aspect of Article 2 in the present case. They maintained that the

relevant domestic authorities had taken all the reasonable measures that were available, given the circumstances of the case.

2. The Court's assessment

(a) General principles

42. The Court reiterates that Article 2 ranks as one of the most fundamental provisions in the Convention. It enshrines one of the basic values of the democratic societies making up the Council of Europe. The object and purpose of the Convention as an instrument for the protection of individual human beings require that Article 2 be interpreted and applied so as to make its safeguards practical and effective (see, among many other authorities, *Anguelova v. Bulgaria*, no. 38361/97, § 109, ECHR 2002-IV).

43. The obligation to protect the right to life under Article 2 of the Convention, read in conjunction with the State's general duty under Article 1 of the Convention to "secure to everyone within [its] jurisdiction the rights and freedoms defined in [the] Convention", also requires by implication that there should be some form of effective official investigation when individuals have been killed as a result of the use of force (see, *Armani Da Silva v. the United Kingdom* [GC], no. 5878/08, § 230, 30 Mars 2016).

44. The State must therefore ensure, by all means at its disposal, an adequate response – judicial or otherwise – so that the legislative and administrative framework set up to protect the right to life is properly implemented and any breaches of that right are repressed and punished (see *Armani Da Silva*, cited above, § 230).

45. In order to be "effective" as this expression is to be understood in the context of Article 2 of the Convention, an investigation must firstly be adequate. This means that it must be capable of leading to the establishment of the facts, a determination of whether the force used was or was not justified in the circumstances and of identifying and – if appropriate – punishing those responsible. This is not an obligation of result, but of means. The authorities must take whatever reasonable steps they can to secure the evidence concerning the incident, including, *inter alia*, eyewitness testimony, forensic evidence and, where appropriate, an autopsy which provides a complete and accurate record of injury and an objective analysis of the clinical findings, including the cause of death. Moreover, where there has been a use of force by State agents, the investigation must also be effective in the sense that it is capable of leading to a determination of whether the force used was or was not justified in the circumstances. Any deficiency in the investigation which undermines its ability to establish the cause of death or the person responsible will risk falling foul of this standard (see *Armani Da Silva*, cited above, § 233).

46. In particular, the investigation's conclusions must be based on thorough, objective and impartial analysis of all relevant elements. Failing to follow an obvious line of inquiry undermines to a decisive extent the investigation's ability to establish the circumstances of the case and the identity of those responsible. Nevertheless, the nature and degree of scrutiny which satisfy the minimum threshold of the investigation's effectiveness depend on the circumstances of the particular case. The nature and degree of scrutiny must be assessed on the basis of all relevant facts and with regard to the practical realities of investigation work. Where a suspicious death has been inflicted at the hands of a State agent, particularly stringent scrutiny must be applied by the relevant domestic authorities to the ensuing investigation (see *Armani Da Silva*, cited above, § 234).

47. A requirement of promptness and reasonable expedition is implicit in this context (see *Yaşa v. Turkey*, 2 September 1998, §§ 102-104, *Reports* 1998-VI; and *Mahmut Kaya v. Turkey*, no. 22535/93, §§ 106-107, ECHR 2003-III). It must be accepted that there may be obstacles or difficulties which prevent progress in an investigation in a particular situation (see *Armani Da Silva*, cited above, § 237). However, where events took place far in the past, due to the lapse of time, the level of urgency may have diminished; the immediacy of required investigative steps in the aftermath of an incident is likely to be absent (see *Brecknell v. the United Kingdom*, no. 32457/04, §§ 79-81, 27 November 2007). The standard of expedition in such historical cases is much different from the standard applicable in recent incidents where time is often of the essence in preserving vital evidence at a scene and questioning witnesses when their memories are fresh and detailed (see *Emin and Others v Cyprus*, no. 59623/08et al, (dec.) 3 April 2012; and *Gürtekin and Others v. Cyprus*, nos. 60441/13, 68206/13 and 68667/13, § 21, 11 March 2014; see also *Palić v. Bosnia and Herzegovina*, no. 4704/04, § 70, 15 February 2011 concerning complex post-conflict situations).

(b) Application of those principles to the present case

48. As regards the present case, the Court notes that the relevant authorities learned of the death of G.O. and M.V. on 8 August 1995. However, the Court will assess only the effectiveness of the steps taken after October 2012 (see paragraphs 35 and 38 above).

49. The Court accepts the Government's argument that as the authorities had been confronted by a high death toll (both civilian and military), it was not possible to immediately open investigations in respect of each of the deceased. Furthermore, given the lapse of about twenty years since events, the prospect of establishing the truth had significantly diminished.

50. At this juncture the Court reiterates that it has qualified the scope of the above-mentioned obligation to conduct an effective investigation as an obligation as to means, not as to results (see, for example, *Shanaghan v. the*

United Kingdom, no. 37715/97, § 90, 4 May 2001 and the judgments referred to therein). The Court notes that the police and prosecutors obtained information about the Croatian army units which had been in Veljun between 7 and 12 August 1995, the identity of their commanders and all their members and took statements from the members of these units (see paragraphs 18 and 20-22 above). None of them had any information about the possible perpetrators.

51. As regards the adequacy of the steps taken by the Croatian authorities in connection with the death of G.O. and M.V., the Court is not persuaded by the applicants' submission that there have been significant oversights or omissions. The facts of the case show that all traceable witnesses were interviewed and the available evidence was collected and reviewed. The Court notes that the police pursued every line of enquiry (contrast to *Charalambous and Others v. Turkey* (dec.), no. 46744/07, § 65, 3 April 2012). The applicants have not pointed to any other concrete avenues of enquiry that the police could have pursued. The fact that the investigation did not succeed in identifying the perpetrators does not necessarily mean that the investigation was ineffective. In the circumstances, the Court cannot impugn the authorities for any culpable disregard, discernible bad faith or lack of will (compare to *Gürtekin and others v. Cyprus* (dec.), no. 60441/13 et al., § 27, 11 March 2014).

52. In conclusion, the Court finds that the national authorities complied with their procedural obligation under Article 2 of the Convention. It follows that there has been no violation of that provision.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Declares* the complaint under the procedural aspect of Article 2 of the Convention as regards the period after October 2012 admissible and the remainder of the application inadmissible;

2. *Holds* that there has been no violation of the procedural limb of Article 2 of the Convention;

Done in English, and notified in writing on 4 July 2017, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Hasan Bakırcı	Işıl Karakaş
Deputy Registrar	President