CONSEIL DE L'EUROPE

COUNCIL OF EUROPE

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

FOURTH SECTION

PARTIAL DECISION

AS TO THE ADMISSIBILITY OF

Application no. 57576/00
by Milan JEFTIĆ
against Croatia

The European Court of Human Rights (Fourth Section), sitting on 11 October 2001 as a Chamber composed of

Mr A. PASTOR RIDRUEJO, *President*,
Mr L. CAFLISCH,
Mr I. CABRAL BARRETO
Mr V. BUTKEVYCH,
Mrs N. VAJIĆ,
Mr M. PELLONPÄÄ,
Mrs S. BOTOUCHAROVA, *judges*,

and Mr V. BERGER, *Section Registrar*,

Having regard to the above application introduced on 21 October 1999 and registered on 24 May 2000,

Having deliberated, decides as follows:

THE FACTS

The applicant, Milan Jeftić, is a citizen of Bosnia and Herzegovina, born in 1947 and living in Derventa, Bosnia and Herzegovina.

The facts of the case, as submitted by the applicant, may be summarised as follows.

He was an employee of the Croatian company "Graditelj", in Grubišno Polje, Croatia. On 25 May 1989 he had an accident at his workplace and suffered injuries. Since then he has mostly been on sick-leave. On

28 August 1991 the applicant obtained a certificate from the Kutina Health Insurance Fund (*Republički fond zdravstvene zaštite Kutina*) that the Croatian Health Insurance Fund covered sick-leave allowances regardless of the applicants' place of living. The applicant left Croatia some time in the autumn of 1991 and went to live in Bosnia and Herzegovina.

On 13 January 1992 the company sent him a letter informing him that they had terminated his contract of employment as of 30 September 1991 since the Croatian Health Insurance Fund had refused to pay his sick-leave allowance.

On 22 January 1992 the applicant applied to the Croatian Health Insurance Fund for a sick-leave allowance, relying on the Kutina Health Insurance Fund's certificate. This request was rejected on 10 March 1992 by the Croatian Health Insurance Fund in Grubišno Polje as it found that it had not been able to accept medical certificates from Bosnia because, according to Croatian laws, the applicant had to present himself in person before a medical experts' commission in order to have his sick-leave prolonged.

On 16 March 1992 the applicant appealed against that decision to the Appellate Commission of the Croatian Health Insurance Fund (*Direkcija republičkog fonda zdravstvenog osiguranja i zdravstva Hrvatske*).

On 18 November 1997 and 19 February 1999, respectively, the applicant lodged requests with the Appellate Commission for speeding up the proceedings. He received no reply.

As the above Commission failed to decide upon the applicant's appeal, on 3 June 1999 he instituted administrative proceedings in the Administrative Court (*Upravni Sud Republike Hrvatske*)[1] asking it to decide in this matter. On 9 December 1999 he lodged a request for speeding up the proceedings, but received no reply. It appears that the proceedings are still pending before that court.

COMPLAINTS

The applicant invokes Articles 2 and 4 of Protocol No. 4 and Article 1 of Protocol No. 7, without specifying those claims.

He also complains, in substance, about the length of the proceedings before the administrative bodies and the Administrative Court.

Finally, he complains, under Article 13 of the Convention, that he has no effective remedy to accelerate the proceedings concerning his claim for sick-leave allowance.

---

[1] Section 26 (1) of the Administrative Disputes Act (*Zakon o upravnim sporovima*) allows an applicant to lodge a claim with the Administrative Court if an appellate body does not issue a decision upon his appeal within 60 days followed by an additional period of seven days upon the applicant's repeated request.

THE LAW

1. The applicant invokes Articles 2 and 4 of Protocol No. 4, and Article 1 of Protocol No. 7 to the Convention, without specifying his claims or submitting any explanation for his allegations.

In the light of all the material in its possession, and in so far as the matters complained of are within its competence, the Court finds that they do not disclose any appearance of a violation of the rights and freedoms set out in the Convention or its Protocols. It follows that this part of the application must be rejected, in accordance with Article 35 § 4 of the Convention.

2. The applicant further complains, in substance, that length of the proceedings concerning his entitlement to sick-leave allowance has exceeded reasonable time.

The Court considers that it cannot, on the basis of the case file, determine the admissibility of this complaint and that it is therefore necessary, in accordance with Rule 54 § 3 (b) of the Rules of Court, to give notice of this part of the application to the respondent Government.

3. The applicant further complains under Article 13 of the Convention, that he has no remedy to accelerate the proceedings before the Administrative Court.

The Court considers that it cannot, on the basis of the case file, determine the admissibility of this complaint and that it is therefore necessary, in accordance with Rule 54 § 3 (b) of the Rules of Court, to give notice of this part of the application to the respondent Government.

For these reasons, the Court unanimously

Decides to adjourn the examination of the applicant's complaint under Article 6 § 1 of the Convention that the length of the proceedings concerning his entitlement to sick-leave allowance has been excessive and under Article 13 of the Convention that he has no effective remedy in order to accelerate these proceedings;

Declares inadmissible the remainder of the application.

Vincent BERGER
Registrar

Antonio PASTOR RIDRUEJO
President