

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

SECOND SECTION

DECISION

Application no. 8831/18
Elvis NOVOSEL
against Croatia
(see appended table)

The European Court of Human Rights (Second Section), sitting on 11 July 2024 as a Committee composed of:

Diana Sârcu*, President*,
Davor Derenčinović,
Gediminas Sagatys*, judges*,

and Viktoriya Maradudina, *Acting Deputy Section Registrar,*

Having regard to the above application lodged on 12 February 2018,

Having regard to the observations submitted by the respondent Government and the observations in reply submitted by the applicant,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

1. The applicant's details are set out in the appended table.
2. He was represented by Ms L. Horvat, a lawyer practising in Zagreb.
3. The applicant's complaints under Articles 3 and 13 of the Convention concerning inadequate conditions of detention and ineffectiveness of domestic remedies available in that regard were communicated to the Croatian Government ("the Government"). Complaint concerning the excessive length of the civil proceedings was also communicated under Article 6 § 1 of the Convention.

THE LAW

4. In the present application, having examined all the material before it, the Court considers that for the reasons stated below, the applicant's complaints are inadmissible.

5. In particular, the Court notes that in the civil proceedings for compensation instituted by the applicant against the State, which lasted from

26 June 2013 until 4 April 2024, the domestic courts acknowledged that he had been kept in detention in poor conditions (the details of which are indicated in the appended table). Those courts granted the applicant's claim in full and awarded him 2,341.23 euros (EUR) as compensation for non-pecuniary damage, together with the statutory default interest accrued from 22 February 2013, as well as EUR 2,625 in costs. On 23 September 2022 and 13 June 2024, the State paid him the total of EUR 8,609.21 as the judgment debt, of which EUR 4,336.92 were non-pecuniary damages and the accrued interest.

6. The Court further notes that, meanwhile, on 9 March 2022 the Constitutional Court found a violation of the applicant's right to a hearing within a reasonable time on account of the excessive length of the civil proceedings in question, and awarded him 9,500 Croatian kunas (HRK), that is, EUR 1,260, in compensation. After the Constitutional Court's decision, the proceedings lasted two years and less than a month at two levels of jurisdiction and their length in that period thus cannot be considered excessive.

7. The Court therefore finds that the applicant has already obtained an acknowledgment of the violations of his rights under Article 3 and Article 6 § 1 of the Convention, as well as appropriate compensation at domestic level. He can therefore no longer claim to be the victim of those violations, as required by Article 34 of the Convention.

8. In view of this, the Court also finds that the domestic remedies the applicant resorted to in order to complain of the inadequate conditions of his detention cannot be considered ineffective.

9. It follows that the present application is inadmissible and that it must therefore be rejected in accordance with Article 35 §§ 3 (a) and 4 of the Convention.

For these reasons, the Court, unanimously,

Declares the application inadmissible.

Done in English and notified in writing on 5 September 2024.

Viktoriya Maradudina	Diana Sârcu
Acting Deputy Registrar	President

APPENDIX

Application raising complaints under Article 3 of the Convention (inadequate conditions of detention)

Application no. Date of introduction	Applicant's name Year of birth	Representative's name and location	Facility Start and end date Duration	Sq. m per inmate	Specific grievances	Domestic award (in euros)	Other complaints under well-established case-law
8831/18 12/02/2018	**Elvis NOVOSEL** 1972	Horvat Lidija Zagreb	Zagreb Prison 18/04/2012 to 25/05/2012 1 month and 8 days	between 2.44 and 3.26 m²	lack of fresh air, lack of or inadequate hygienic facilities, lack of or insufficient natural light, lack of or insufficient physical exercise in fresh air, lack of privacy for toilet, no or restricted access to shower, overcrowding	2,341.23	Art. 13 - lack of any effective remedy in domestic law in respect of inadequate conditions of detention Art. 6 (1) - excessive length of civil proceedings
			Pula Prison 02/06/2012 to 18/12/2012 6 months and 17 days	between 2.31 and 3.08 m²	lack of fresh air, lack of or inadequate hygienic facilities, lack of or insufficient natural light, lack of privacy for toilet, overcrowding, lack of toiletries, poor quality of food, lack of requisite medical assistance		