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

FIRST SECTION

DECISION

Application no. 19894/21
Jerko ZOVAK
against Croatia

The European Court of Human Rights (First Section), sitting on 4 December 2025 as a Committee composed of:

Erik Wennerström*, President*,
Davor Derenčinović,
Alain Chablais*, judges*,

and Liv Tigerstedt, *Deputy Section Registrar,*

Having regard to the above application lodged on 8 April 2021,

Having regard to the parties' observations,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

1. The applicant, Mr Jerko Zovak, a Croatian national, was born in 1952 and lived in Donji Andrijevci. He was represented before the Court by Mr Č. Prodanović, a lawyer practising in Zagreb.

2. The Croatian Government ("the Government") were represented by their Agent, Ms Š. Stažnik.

3. The applicant complained under Article 6 § 1 of the Convention that he had been deprived of a fair trial by an independent and impartial tribunal established by law. This was so because the two lay judges deciding his case were members of political parties and held office locally, which was contrary to the domestic legislation.

4. On 6 July 2022 the Court decided to give notice to the Government of the applicant's complaint and the parties submitted observations.

5. By letter of 11 November 2024, the Government informed the Registry that the applicant had died on 14 June 2023. They invited the Court to strike the case out of its list of cases because the applicant had died over a year earlier and none of his relatives had come forward wishing to continue his application before the Court.

6. By letter of 9 December 2024, the applicant's lawyer informed the Court that the applicant's wife and son, who were his legal heirs, wished to pursue the application seeking to repair the damage to the reputation of their husband and father. They opposed the Government's proposal to strike the application out.

THE LAW

7. In view of the Government's request and of the wish expressed by the late applicant's relatives (see paragraphs 5 and 6 above), the Court must consider whether to strike the application out of its list of cases.

8. Article 37 § 1 of the Convention provides:

> "The Court may at any stage of the proceedings decide to strike an application out of its list of cases where the circumstances lead to the conclusion that
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> (a) the applicant does not intend to pursue his application; or
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> (b) the matter has been resolved; or
>
> (c) for any other reason established by the Court, it is no longer justified to continue the examination of the application.
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> However, the Court shall continue the examination of the application if respect for human rights as defined in the Convention and the Protocols thereto so requires."

9. Furthermore, Rule 44C § 1 and Rule 47 § 7 of the Rules of Court read as follows:

Rule 44C

> "1. Where a party fails to adduce evidence or provide information requested by the Court or to divulge relevant information of its own motion or otherwise fails to participate effectively in the proceedings, the Court may draw such inferences as it deems appropriate."

Rule 47

> "7. Applicants shall keep the Court informed ... of all circumstances relevant to the application."

10. The Court notes that in a number of cases in which an applicant died in the course of the proceedings it has taken into account the statements of the applicant's heirs or of close family members expressing the wish to pursue the proceedings (see *López Ribalda and Others v. Spain* [GC], nos. 1874/13 and 8567/13, §§ 71-73, 17 October 2019), or the existence of a legitimate interest claimed by a person wishing to pursue the application (see *Malhous v. the Czech Republic* (dec.) [GC], no. 33071/96, ECHR 2000-XII).

11. In the present case, the applicant died on 14 June 2023. The Court was for the first time informed of his death by the Government in their submission dated 11 November 2024, that is to say, almost a year and a half later.

12. The Court further notes that, when invited to comment on the Government's letter and their request to strike the application out of the

Court's list of cases, the applicant's lawyer did not even seek to explain the reasons for the failure to inform the Court about the applicant's death in a timely manner (see paragraph 6 above). He only maintained that the late applicant's wife and son wished to pursue the application seeking to repair the damage to the late applicant's reputation (ibid.).

13. The Court reiterates that whenever an applicant omits, within the meaning of Rule 44C § 1, to divulge relevant information of his or her own motion or provide information requested by the Court or otherwise fails to participate effectively in the proceedings, depending on the particular circumstances of the case, the Court may draw the necessary inferences, including striking the application out under either of the three sub-paragraphs ((a), (b) or (c)) of Article 37 § 1 of the Convention (see, for instance, *Harabin v. Slovakia* (dec.), no. 18006/14, §§ 14-23, 19 June 2018; *Marković v. Serbia* (dec.), no. 49335/07, 14 January 2014; *Filatov v. Ukraine* (dec.), no. 16061/05, 24 March 2009, and *Fitzmartin and Others v. the United Kingdom* (dec.), no. 34953/97, 21 January 2003).

14. Having regard to the specific circumstances of the present case, in particular the applicant's lawyer's failure to inform the Court of the applicant's death, as well as his lack of any explanation in that respect, demonstrate a lack of effective participation in the proceedings (see paragraph 13 above; and compare *Špehar and Gojković v. Croatia* (dec.), nos. 7535/21 and 58894/21, § 27, 8 July 2025).

15. In the Court's view, the appropriate inference to be drawn within the meaning of Rule 44C § 1 *in fine*, is that it is no longer justified to continue the examination of the late applicant's case (see *Špehar and Gojković*, cited above, § 27; *Belošević v. Croatia* (dec.), no. 57242/13, § 53, 3 December 2019; *Turava and Others v. Georgia* (dec.), no. 7607/07 and 8710/07, § 39, 27 November 2018, and other cases cited therein).

16. The Court further observes that the general principles relating to the issues raised by the late applicant have already been examined in detail by the Court on numerous occasions (most notably in *Guðmundur Andri Ástráðsson v. Iceland* [GC], no. 26374/18, §§ 235-90, 1 December 2020).

17. In accordance with Article 37 § 1 *in fine*, it therefore finds no special circumstances regarding respect for human rights as defined in the Convention and its Protocols which would require the continued examination of the case.

18. Accordingly, it is appropriate to strike the application out of its list of cases under Article 37 § 1 (c) of the Convention.

For these reasons, the Court, unanimously,

Decides to strike the application out of its list of cases.

Done in English and notified in writing on 8 January 2026.

Liv Tigerstedt Deputy Registrar	Erik Wennerström President