

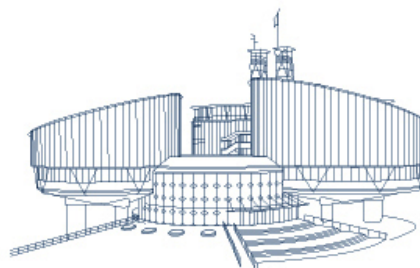
PRESS RELEASE

FAIR TRIAL RIGHTS IN PROCEEDINGS CONCERNING FINES FOR FISHING IN SLOVENIAN WATERS

Makovac and Latin v. Slovenia

ECHR 244 (2026) 06.10.2026

Press release issued by the Registrar of the Court



The case [Makovac and Latin v. Slovenia](#) (application nos. 15525/23 and 15532/23) concerned Croatian commercial fishing workers' complaints about the proceedings concerning fines against them for illegally entering and fishing in Slovenian waters. They argued that there had been a breach of their defence rights in the minor offence proceedings against them, in particular that there had been no hearings in their cases.

In today's **Chamber** judgment¹ the European Court of Human Rights held:

by 5 votes to 2, that there had been **no violation of Article 6 §§ 1 and 3 (b) and (d) (right to a fair trial)** of the European Convention on Human Rights in respect of Ms Makovac, and

unanimously, that there had been **a violation of Article 6 §§ 1 and 3 (b)** of the European Convention in respect of Mr Latin.

The European Court found that it had been legitimate for the Slovenian courts to do without an oral hearing to convict Ms Makovac. Her conviction had been based on, among other things, photographs with two recognisable individuals which she could have challenged. Mr Latin's conviction had, however, been based on his being identified by a fisheries inspector and unspecified social media posts. An oral hearing would have been essential to put that evidence to the test.

The Court held that the finding of a violation in Mr Latin's case constituted sufficient [just satisfaction \(Article 41\)](#) for any non-pecuniary damage sustained.

Lastly, under [Article 46 \(binding force and enforcement\)](#), the Court held that appropriate redress for Mr Latin would be to reopen the proceedings in his case. However, it did not find it necessary to indicate any general measures, noting that the finding of a violation in Mr Latin's case was based on the specific circumstances of the proceedings against him. Furthermore, there was not enough information for the Court to assess at this stage whether the circumstances were comparable in the group of over 800 applications against Slovenia raising similar complaints.

A legal summary of this case will be available in the Court's database HUDOC ([link](#)).

1. Under Articles 43 and 44 of the Convention, this Chamber judgment is not final. During the three-month period following its delivery, any party may request that the case be referred to the Grand Chamber of the Court. If such a request is made, a panel of five judges considers whether the case deserves further examination. In that event, the Grand Chamber will hear the case and deliver a final judgment. If the referral request is refused, the Chamber judgment will become final on that day.

PRINCIPAL FACTS AND COMPLAINTS

The applicants, Franka Makovac and Michael Latin, are Croatian nationals who were born in 1974 and 1985, respectively. They both live in Savudrija (Croatia).

They are commercial fishing workers who often fished in the area of the Bay of Piran. Ms Makovac was fined 500 euros (EUR) in 2018 for illegally crossing a border from Croatia to Slovenia, while Mr Latin was fined EUR 840 in 2020 for commercial fishing in Slovenian waters without the required permit and for failing to comply with a fisheries inspector's order to stop his vessel. Their cases were dealt with under the Minor Offences Act using a summary procedure.

The applicants were informed of these fines by means of payment orders they received by post, together with a letter containing a brief description of the facts and a list of evidence. The following evidence was noted: with respect to Ms Makovac, a police officer's observations and a video recording, photographs and radar images; and with respect to Mr Latin, the inspector's observations and photographs, as well as social media posts.

The applicants challenged the decisions against them, by lodging requests for judicial protection. The requests were transferred, along with the complete minor-offence case files, to the Koper Local Court. This court dismissed their requests, concluding that the administrative authorities had properly established the facts in their cases and that the applicants had not provided any evidence to challenge their findings. It also pointed out that the applicants had had access to the evidence in their respective case files and had known or should have known that they had entered Slovenian waters. As concerned Ms Makovac in particular, it held that she had also been identified through additional evidence, namely "official records and other databases". The court found it unnecessary to hear the applicants or their proposed witnesses, finding that the evidence they had wanted to present would not have had any impact on the final outcome in their cases.

They went on to challenge the fines and the related proceedings in the Koper Higher Court and the Constitutional Court, without success. Relying on Article 6 §§ 1 (right to a fair trial) and 3 (b) (right to adequate time and facilities for preparation of defence) and (d) (right to obtain attendance and examination of witnesses), the applicants complained that they had not had an oral hearing in their cases, dispensing with such a hearing had not been justified, and they had therefore been unable to examine witnesses against them and witnesses on their behalf. They also complained that they had not been informed of some of the evidence on which their charges and ensuing convictions had been based, and that they had therefore been unable to effectively mount a defence.

OUTCOME REASONING OF THE COURT

The Court noted that the evidence in each applicant's case had differed.

Ms Makovac's conviction had been supported by photographs with two recognisable individuals. She had at no stage denied being in the photographs, despite having access to the case file. It had therefore been legitimate for the courts to do without an oral hearing in her case.

As regards the additional evidence on which her conviction had been based, namely "official records and other databases", the Court found that it had apparently concerned the public vessel database and police records, which Ms Makovac could have challenged had she consulted her case file.

Bearing in mind Ms Makovac's arguments and the conduct of the proceedings as whole, there had therefore been no violation of Article 6 §§ 1 and 3 (b) and (d).

Mr Latin's conviction, on the other hand, had been based essentially on his being identified by the fisheries inspector. The photographs in his case file, not showing any recognisable individual, had limited probative value. An oral hearing would have been essential to test the inspector's credibility. The additional evidence, in particular social media posts, used to convict him had been vague. The case file forwarded to the Slovenian courts had not specified which social media posts had been at issue, and the courts had not addressed Mr Latin's argument about that shortcoming.

The Court found that Mr Latin had been deprived of the right to an oral hearing in his case and that he had not been in a position to effectively prepare his defence because the authorities had failed to specify and/or notify him in a timely manner of the evidence against him, in violation of Article 6 §§ 1 and 3 (b). It considered that it was not necessary to examine separately whether there had also been a violation of Article 6 § 3 (d) due to the courts' refusal to examine witnesses against him and witnesses on his behalf.

Lastly, the Court held, under Article 46 (binding force and enforcement), that reopening the proceedings would be the most appropriate way of putting an end to the violations found in Mr Latin's case. However, it did not find it necessary to indicate general measures for the alleged systemic problem concerning the lack of an oral hearing in such cases. The finding of a violation in Mr Latin's case was based on the specific circumstances of the proceedings against him. There was not enough information for the Court to assess at this stage whether there were comparable circumstances in the group of over 800 applications against Slovenia raising similar complaints.

SEPARATE OPINION

Judges Ktistakis and Mingorance Cairat expressed a joint partly dissenting opinion, which is annexed to the judgment.

PROCEDURE

AND COMPOSITION OF THE COURT

The applications were lodged with the European Court of Human Rights on 6 April 2023.

The Croatian Government exercised their right (under Article 36 § 1 of the Convention) to submit written comments.

Judgment was given by a Chamber of seven judges, composed as follows:

Ioannis Ktistakis (Greece), *President*,
Peeter Roosma (Estonia),
Lətif Hüseynov (Azerbaijan),
Darian Pavli (Albania),
Diana Kovatcheva (Bulgaria),
Canòlic Mingorance Cairat (Andorra) and,
Vesna Bergant Rakočević (Slovenia), *ad hoc Judge*,
and also Milan Blaško, *Section Registrar*.

The judgment is available only in English.

The Court's judgments finding a violation are binding on the State concerned. The [Committee of Ministers](#) of the Council of Europe, the executive body of the Council of Europe, supported by the [Department for the Execution of Judgments of the European Court of Human Rights](#), is responsible for supervising their implementation.

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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.