



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

Communicated on 10 February 2015

**FIRST SECTION**

Application no. 28416/14  
Đurđica KLOBUČAR  
against Croatia  
lodged on 4 April 2014

**STATEMENT OF FACTS**

The applicant, Ms Đurđica Klobučar, is a Croatian national, who was born in 1966 and lives in Zadar. She is represented before the Court by Ms S. Bezbradica, a lawyer practising in Zagreb.

**The circumstances of the case**

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

In the period between 2005 and 2011 the applicant was several times either summoned, out of the standard procedure for summoning of witnesses and suspects, or brought to the police for questioning in connection with the disappearance of a man in 1986.

During the questioning she was ill-treated by two police officers, Ž.M. and Č., who threatened her with ill-treatment, made inappropriate references to her sexual orientation, unlawfully confiscated her private diary, searched her flat and subjected her to polygraph examination although she had a diagnosis of epilepsy and drug abuse and was thus under the strong medicaments.

The last time she was questioned was on 11 March 2011 when she was taken from the hospital and brought to the police station by Ž.M. and Č. The questioning lasted fourteen hours and throughout that time she was denied access to a lawyer.

During the questioning the applicant was blackmailed with the destruction of her file if she confessed and threatened by severe ill-treatment by a third person who “knew what to do”. At one point, father of the disappeared man joined the police officers and started questioning the applicant offering her EUR 50,000 to confess what had happened to his son. As the applicant insisted on not knowing anything of the case, the police officers, referring to her sexual orientation, said that she was a bitch and that

she should be killed. Moreover, throughout that time she was deliberately denied access to her medicaments.

On 11 April 2011 the applicant through her lawyers lodged a complaint with the competent Police Department complaining about the conduct of the police officers.

On 2 May 2011 the Chief of the Police Department replied that each time the applicant had been questioned by the police she had voluntarily accepted to cooperate and that there was nothing indicating any misconduct of the police officers.

On 30 May 2011 the applicant lodged a criminal complaint with the competent State Attorney's Office against the police officers Ž.M. and Č. alleging ill-treatment during the police questioning.

At the same time, she also lodged a complaint to the internal control of the Ministry of the Interior (*Ministarstvo unutarnjih poslova Republike Hrvatske*).

On 22 July 2011 the Ministry of the Interior replied indicating that they had nothing to add to the reply by the competent Police Department. It also noted that the relevant documentation would be forwarded to the State Attorney's Office for a further decision.

As the applicant received no reply from the State Attorney's Office, on 21 June 2012 she inquired about the status of her case.

On 2 July 2012 the State Attorney's Office replied that they had forwarded the applicant's criminal complaint to the Office for the Suppression of Corruption and Organised Crime (*Ured za suzbijanje korupcije i organiziranog kriminaliteta*).

On 24 April 2013 the applicant lodged a constitutional complaint before the Constitutional Court (*Ustavni sud Republike Hrvatske*) complaining about her ill-treatment by the police and lack of an effective investigation in that respect.

It appears that the proceedings before the competent authorities are still pending.

## COMPLAINTS

The applicant complains, under Articles 3, 8, 13 and 14 of the Convention and Article 1 of Protocol No. 12, about her alleged ill-treatment by the police, her alleged discrimination related to her sexual orientation and lack of an effective investigation in that respect.

### QUESTIONS TO THE PARTIES

1. Has the applicant been subjected to ill-treatment during her police questionings, in breach of Article 3 of the Convention?

2. Having regard to the procedural protection from ill-treatment (see paragraph 131 of *Labita v. Italy* [GC], no. 26772/95, ECHR 2000-IV), has there been an effective investigation in the present case by the domestic authorities, as required under Article 3 of the Convention?

3. Has there been a violation of the positive obligations under Article 8 of the Convention concerning the applicant's right to respect for her private life?

4. Did the applicant have at her disposal an effective domestic remedy for her complaints under Articles 3 and 8 of the Convention, as required by Article 13 of the Convention?

5. Has the applicant suffered discrimination, contrary to Article 14 of the Convention read in conjunction with Articles 3 and 8 of the Convention?

6. In view of the applicant's situation, has she suffered discrimination contrary to Article 1 of Protocol No. 12?

The Government are requested to submit two copies of all the relevant documents for the applicant's case.