



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

FIRST SECTION

CASE OF LAZIĆ v. CROATIA

(Application no. 38727/21)

JUDGMENT

STRASBOURG

9 July 2026

This judgment is final but it may be subject to editorial revision.

In the case of Lazić v. Croatia,

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

Artūrs Kučs, *President*,

Davor Derenčinović,

Anna Adamska-Gallant, *judges*,

and Liv Tigerstedt, *Deputy Section Registrar*,

Having regard to:

the application (no. 38727/21) against the Republic of Croatia lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) on 29 July 2021 by a Croatian national, Mr Ivan Lazić (“the applicant”), who was born in 1941, lives in Zagreb and was represented by Mr M. Čaržavec, a lawyer practising in Zagreb;

the decision to give notice of the complaints under Article 6 § 1 of the Convention and Article 1 of Protocol No. 1 thereto, concerning the allegedly arbitrary decision of the domestic courts confiscating the applicant’s pistols, to the Croatian Government (“the Government”), represented by their Agent, Ms Š. Stažnik, and to declare the remainder of the application inadmissible;

the parties’ observations;

Having deliberated in private on 18 June 2026,

Delivers the following judgment, which was adopted on that date:

SUBJECT MATTER OF THE CASE

1. The case concerns the confiscation of three pistols from the applicant.
2. The applicant has been disabled since he lost both of his legs in 1959. He has practised shooting since 1969, winning medals in various competitions and leading the national shooting team for disabled athletes (in 1992, 2000 and 2004). He also presided over a local shooting club.
3. In October 2015 minor-offence proceedings were instituted against him on charges of not allowing, on one occasion, the police to verify the conditions for the safekeeping of his three pistols, which he kept at the premises of the shooting club over which he presided.
4. On 1 December 2015 the Zagreb Minor Offences Court convicted the applicant of the minor offence under section 92 § 1 (4) of the Weapons Act. It also imposed a protective measure under section 92 § 2 of the Weapons Act, confiscating his three pistols.
5. Following an appeal by the applicant, on 4 July 2019 the High Minor Offences Court acquitted him, as the new law on weapons no longer penalised the behaviour for which he had been charged. That court also quashed the decision regarding confiscation and instructed the first-instance court to examine whether the three pistols should be confiscated on the basis of

section 76.a of the Minor Offences Act, having regard to the applicant's personal situation and all other circumstances of the case.

6. In the remitted proceedings, the Zagreb Minor Offences Court asked the police to carry out a background check in order to determine the risk of the applicant's misusing the pistols. On 20 January 2020 the police reported that the applicant was a retired shooting instructor and member of a hunting association who lived with his wife. He had not displayed any signs of illness or problems with gambling or alcohol. His neighbours had reported that he lived a peaceful life and that he was a respected person in the community. The police also reported that the applicant had been convicted in 2017 for sexually abusing a child and that every three months he had to report to a probationary officer.

7. On 17 April 2020 the Zagreb Minor Offences Court issued a decision confiscating the applicant's three pistols. Specifically, the court noted that in 2017 the applicant had been convicted of sexually abusing a child and held that the pistols should be confiscated for the protection of public safety and on moral grounds, in accordance with section 76.a of the Minor Offences Act.

8. On 27 May 2020 the High Minor Offences Court dismissed the applicant's subsequent appeal. It agreed with the first-instance court that, in the light of the applicant's 2017 conviction, confiscating the pistols was necessary for the protection of public safety and on moral grounds, and that the requirements for confiscation under section 76.a §§ 1 and 2 of the Minor Offences Act had therefore been met.

9. By a decision of 24 February 2021, the Constitutional Court dismissed the applicant's subsequent constitutional complaint as unfounded.

10. Before the Court, the applicant complained, relying on Article 6 § 1 of the Convention and Article 1 of Protocol No. 1 thereto, about the arbitrariness of the domestic courts' decision to confiscate his pistols. He argued that the confiscation had been unlawful because the pistols had not been used to commit the minor offence in respect of which he had been acquitted, and because the criminal conviction on which the domestic courts had based the confiscation decision had nothing to do with the minor offence in question. He further complained that the domestic courts had entirely failed to take into account the fact that shooting constituted an important aspect of his life and that he used the confiscated pistols to make a living.

THE COURT'S ASSESSMENT

11. Reiterating that the Court is master of the characterisation to be given in law to the facts of the case (see *Radomilja and Others v. Croatia* [GC], nos. 37685/10 and 22768/12, §§ 114 and 126, 20 March 2018) and noting that the applicant's grievances cover the same issue regarding the alleged arbitrariness of the confiscation decision, the Court finds it appropriate to examine the case solely under Article 1 of Protocol No. 1 to the Convention.

12. The Court finds that the confiscation of the applicant's pistols constituted an interference with his right to the peaceful enjoyment of his possessions (see *Waldemar Nowakowski v. Poland*, no. 55167/11, § 45, 24 July 2012). Article 1 of Protocol No. 1 is therefore applicable in the present case.

13. It further notes that the complaint is not manifestly ill-founded within the meaning of Article 35 § 3 (a) of the Convention, nor is it inadmissible on any other grounds. It must therefore be declared admissible.

14. The Court reiterates that the principles governing the question of justification for the confiscation, whether it is regarded as a measure constituting control of the use of property (see *Veits v. Estonia*, no. 12951/11, § 70, 15 January 2015), or as a deprivation of property (see *Waldemar Nowakowski*, cited above, § 46), are substantially the same, involving the legitimacy of the aim of any interference, as well as its proportionality and the preservation of a fair balance (see *Yaylalı v. Serbia*, no. 15887/15, § 41, 17 September 2024).

15. In the present case the domestic courts based the confiscation decision on section 76.a §§ 1 and 2 of the Minor Offences Act. Section 76.a § 1 provides that objects and tools which were intended to be used in, or were used in, the commission of a minor offence, or which were created as a result of the offence, are to be confiscated if there is a risk of them being used again to commit the offence. It further provides that the court may confiscate those objects and tools in order to protect public safety, order and human health, or on moral grounds. Section 76.a § 2 provides that if the requirements of section 76.a § 1 are met, the court is to order the confiscation even if the proceedings do not result in a conviction.

16. The Court notes that the applicant had been tried for the minor offence of not allowing, on one occasion, the police to verify the conditions for the safekeeping of weapons (see paragraphs 3-5 above). He was finally acquitted of these charges as the new law on weapons no longer penalised the behaviour for which he had been charged (see paragraph 5 above). However, the fact that he had been charged with that minor offence served as the basic ground for confiscation under section 76.a of the Minor Offences Act (see paragraph 15 above).

17. The Court can leave open the question whether the confiscated pistols could be considered to constitute objects or tools used to commit the specific minor offence in question, and whether thus the basic statutory requirement for confiscation under section 76.a § 1 of the Minor Offences Act had been met in the applicant's case. This is because the confiscation decision was in the Court's view in any event arbitrary for the following reason.

18. The Court observes that the applicant's 2017 criminal conviction – relied upon with reference to section 76.a of the Minor Offences Act by the domestic courts in the remitted proceedings to justify the necessity of confiscating his pistols – was entirely unrelated to the minor offence for

which he had been tried, as well as to the pistols themselves (see paragraph 6 above). This stands in contrast to judgment no. IR-133/2021 of the High Minor Offences Court of 15 December 2021 referred to by the Government, where the confiscation of the complainant's weapons, despite the absence of a conviction, was deemed necessary to prevent their future misuse and to protect public safety, given that the complainant had neither been authorised to acquire or possess the weapons, nor complied with the statutory conditions for their safekeeping.

19. In the applicant's case it is not in dispute – either in the domestic courts or before the Court – that there has ever been any incident involving the improper use of the pistols by the applicant or a third party, which could indicate that the applicant had failed to take appropriate measures to prevent unauthorised persons from accessing them. It has likewise not been argued, let alone shown, that the authorities instituted proceedings to revoke the applicant's firearms licence on the grounds of protecting public safety.

20. Having regard to the observations in paragraphs 18 and 19 above, the domestic courts' interpretation and application of section 76.a §§ 1 and 2 of the Minor Offences Act in the applicant's case appears to have been too wide to provide effective safeguards against arbitrary confiscation.

21. Furthermore, as regards the proportionality of the interference, the Court notes that section 76.a §§ 1 and 2 of the Minor Offences Act did not oblige the courts to order the confiscation but conferred on them a discretionary power to do so if the proceedings did not result in a conviction (see point 13.4. of decision no. U-III-3821/2020 of the Constitutional Court of 29 April 2021). It is thus relevant to consider how the authorities exercised their discretion (see *Waldemar Nowakowski*, cited above, § 51).

22. The Court notes that the domestic courts were aware that the applicant was a disabled person who had practised shooting his entire life, had won medals in various competitions, had led the national shooting team for disabled athletes, and had presided over a local shooting club. However, despite the applicant's persistent arguments to that effect, the domestic courts entirely failed to take into account those elements when ordering the confiscation of his pistols (compare *Waldemar Nowakowski*, cited above, § 53). No consideration was given to whether confiscating the pistols would impose an excessive burden on the applicant in terms of either their pecuniary or sentimental value. Instead, the examination carried out by the courts was limited to establishing that the applicant had committed a criminal offence unrelated to the minor offence in respect of which he had been acquitted.

23. The scope of the review carried out by the domestic courts was thus too narrow to satisfy the requirement of seeking the "fair balance" inherent in the second paragraph of Article 1 of Protocol No. 1 (see *Megadat.com SRL v. Moldova*, no. 21151/04, § 74, ECHR 2008, and *Paulet v. the United Kingdom*, no. 6219/08, §§ 67-68, 13 May 2014).

24. The considerations above are sufficient to conclude that there has been a violation of Article 1 of Protocol No. 1 to the Convention in the present case.

APPLICATION OF ARTICLE 41 OF THE CONVENTION

25. The applicant claimed 800 euros (EUR) in respect of pecuniary damage, alleging that the amount corresponded to the value of the three confiscated pistols. He also claimed EUR 8,000 in respect of non-pecuniary damage and EUR 9,472,30 in respect of costs and expenses incurred before the domestic courts and the Court.

26. The Government contested those claims.

27. The Court considers that the most appropriate way of redressing the violation found in the present case would be to reopen the domestic proceedings, a possibility open to the applicant under section 82 § 3 and section 214 of the Minor Offences Act in conjunction with section 502 § 2 of the Criminal Procedure Act (see *Imeri v. Croatia*, no. 77668/14, § 98, 24 June 2021). The Court thus rejects the applicant's claim for pecuniary damage.

28. As regards non-pecuniary damage, the Court awards the applicant EUR 2,000, plus any tax that may be chargeable.

29. In so far as the applicant's claim concerns the costs and expenses incurred in the domestic proceedings, the Court considers it reasonable to award the sum of EUR 850 for the costs incurred in the proceedings before the Constitutional Court, plus any tax that may be chargeable to the applicant. As regards the remaining costs and expenses incurred before the domestic courts, they must be rejected given that the applicant will be able to seek the reimbursement of (the relevant part of) those costs in the proceedings following his petition for reopening (see *Baljak and Others v. Croatia*, no. 41295/19, § 54, 25 November 2021).

30. Lastly, the Court considers it reasonable to award EUR 2,500 for the Strasbourg proceedings, plus any tax that may be chargeable to the applicant.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Declares* the application admissible;
2. *Holds* that there has been a violation of Article 1 of Protocol No. 1 to the Convention;
3. *Holds*
 - (a) that the respondent State is to pay the applicant, within three months, the following amounts:
 - (i) EUR 2,000 (two thousand euros), plus any tax that may be chargeable, in respect of non-pecuniary damage;

- (ii) EUR 3,350 (three thousand three hundred and fifty euros), plus any tax that may be chargeable to the applicant, in respect of costs and expenses;
 - (b) that from the expiry of the above-mentioned three months until settlement simple interest shall be payable on the above amounts at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points;
4. *Dismisses* the remainder of the applicant's claim for just satisfaction.

Done in English, and notified in writing on 9 July 2026, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Liv Tigerstedt
Deputy Registrar

Artūrs Kučs
President