



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

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FIRST SECTION

Application no. 32822/25
Marko GAVRILOVIĆ
against Croatia
lodged on 15 October 2025
communicated on 1 September 2026

SUBJECT MATTER OF THE CASE

The case concerns the applicant's alleged ill-treatment by the police during his arrest and the effectiveness of the investigation in that respect.

The applicant, a Serbian national, was arrested on 27 July 2018 in Ogulin, Croatia, on suspicion of transporting irregular migrants.

He alleges that at Ogulin Police Station four police officers physically assaulted him and subjected him to derogatory remarks concerning his Serbian origin. He claims to have sustained bruising to his head and right arm, as well as fractures to his nose and a tooth.

Two police officers stated that force had been necessary to restrain the applicant, while denying any assault at the police station. A report on the use of force, dated 27 July 2018, and the findings of the duty doctor at the Ogulin Police Station recorded no injuries. However, on 28 July 2018 a detention officer at Karlovac Prison noted injuries on the left side of the applicant's head. On 29 July 2018 the prison doctor recorded injuries to the applicant's head and right arm, which were also visible during his examination at the Karlovac Municipal State Attorney's Office.

In January 2020 the applicant's lawyer lodged a criminal complaint against four unidentified police officers, which was dismissed in July 2020 by the Karlovac Municipal State Attorney's Office, finding that the applicant's injuries were consistent with the lawful use of force and restraining measures.

Following reopening of the investigation, a medical expert report was requested and four police officers were examined as potential suspects without informing either the applicant or his lawyer.

In June 2021 the State Attorney's Office again dismissed the criminal complaint, relying on a medical expert opinion that the applicant's injuries were consistent with the lawful use of force and restraining measures during the arrest.

Meanwhile, on 24 September 2020 the applicant lodged a constitutional complaint concerning the ineffectiveness of the investigation. The Constitutional Court has not yet decided his complaint.

Under Article 6 and the procedural limb of Article 3 of the Convention, the applicant complains that the investigation lacked independence and thoroughness, that he was not properly informed of its progress or able to participate effectively, and that the domestic proceedings have been excessively lengthy, with the constitutional proceedings lasting more than five years so far.

Under the substantive limb of Article 3 of the Convention, the applicant contends that the State has failed to demonstrate that his injuries were not caused by ill-treatment at the Ogulin police station.

QUESTIONS TO THE PARTIES

1. Was the applicant subjected to inhuman or degrading treatment by police officers at the Ogulin Police Station on 27 July 2018, in breach of the substantive aspect of Article 3 of the Convention (see *Bouyid v. Belgium* [GC], no. 23380/09, §§ 81-90, ECHR 2015; *Mafalani v. Croatia*, no. 32325/13, §§ 119-21, 9 July 2015; and *Borbála Kiss v. Hungary*, no. 59214/11, § 36, 26 June 2012)?

2. Having regard to the procedural protection from torture, inhuman or degrading treatment (see *Labita v. Italy* [GC], no. 26772/95, § 131, ECHR 2000-IV), did the investigation in the present case by the domestic authorities comply with the requirements of Article 3 of the Convention?