



Croatia

Ratified the European Convention on Human Rights in 1997

National Judge: Ksenija Turković

[Judges' CVs](#) are available on the ECHR Internet site

Previous Judge: Nina Vajic (1998 – 2012)

[List of judges of the Court since 1959](#)

The Court dealt with 643 applications concerning Croatia in 2018, of which 618 were declared inadmissible or struck out. It delivered 24 judgments (concerning 25 applications), 15 of which found at least one violation of the European Convention on Human Rights.

Applications processed in	2017	2018	2019*
Applications allocated to a judicial formation	723	669	302
Communicated to Government	93	57	19
Applications decided:	814	643	337
- Declared inadmissible or struck out (Single Judge)	756	584	306
- Declared inadmissible or struck out (Committee)	25	31	17
- Declared inadmissible or struck out (Chamber)	5	3	4
- Decided by judgment	28	25	10

* January to July 2019

For information about the Court's judicial formations and procedure, see the [ECHR internet site](#).
Statistics on interim measures can be found [here](#).

Applications pending before the court on 01/07/2019	
Total pending applications*	638
Applications pending before a judicial formation:	493
Single Judge	84
Committee (3 Judges)	266
Chamber (7 Judges)	141
Grand Chamber (17 Judges)	2

*including applications for which completed application forms have not yet been received

Croatia and ...

The Registry

The task of the Registry is to provide legal and administrative support to the Court in the exercise of its judicial functions. It is composed of lawyers, administrative and technical staff and translators. There are currently **643** Registry staff members.

Noteworthy cases, judgments delivered

Grand Chamber

[Muršić v. Croatia](#)

20.10.2016

The case concerned the allegation that the applicant had a cell with insufficient personal space while he was held in Bjelovar Prison.

Violation of Article 3 (prohibition of inhuman or degrading treatment) for the period 18 July-13 August 2010, during which the applicant had less than 3 sq. m of personal space in Bjelovar Prison

No violation of Article 3 in respect of the other, non-consecutive, periods of detention during which he had less than 3 sq. m of personal space

No violation of Article 3 in respect of the periods in which he had personal space of between 3 sq. m and 4 sq. m in Bjelovar Prison.

The Court confirmed that 3 sq. m of surface area per detainee in a multi-occupancy cell was the prevalent norm in its case-law, being the applicable minimum standard for the purposes of Article 3. When that area fell below 3 sq. m, the lack of personal space was regarded as so serious that it gave rise to a strong presumption of a violation of Article 3.

Cases dealing with Article 6

Right to a fair trial

[Dvorski v. Croatia](#)

20.10.2015

The case concerned the refusal by the police to allow a lawyer hired by the applicant's parents to represent him while he was being questioned at a police station on suspicion of multiple murder, armed robbery and arson. The applicant confessed to the offences after signing a power of attorney authorising another lawyer to represent him.

Violation of Article 6 §§ 1 and 3 (c) (right to legal assistance of one's own choosing)

[Marguš v. Croatia](#)

27.05.2014

The case concerned the conviction, in 2007, of a former commander of the Croatian army of war crimes against the civilian population committed in 1991. He complained in particular that his right to be tried by an impartial tribunal and to defend himself in person had been violated. Mr Marguš also alleged that the criminal offences of which he had been convicted were the same as those which had been the subject of proceedings against him terminated in 1997 in application of the General Amnesty Act.

No violation of Article 6 §§ 1 and 3 (c)

The Court also decided that Article 4 of Protocol No. 7 (right not to be tried or punished twice) was not applicable in respect of the charges relating to the offences which had been the subject of proceedings against Mr Marguš terminated in 1997 in application of the General Amnesty Act.

At the same time, the Court declared inadmissible the complaint under Article 4 of Protocol No. 7 as regards Mr Marguš' right not to be tried or punished twice in respect of the charges dropped by the prosecutor in January 1996

Right to a fair trial within a reasonable time

[Oršuš and Others v. Croatia](#)

16.03.2010

Segregation of Roma children in Croatian primary schools found to be discriminatory.

Violation of Article 6 § 1

Violation of Article 14 (prohibition of discrimination) together with Article 2 of Protocol No. 1 (right to education)

Access to court

[Zubac v. Croatia](#)

05.04.2018

The case concerned the Croatian Supreme Court's refusal to consider an appeal on points of law in a property claim. The Supreme Court had refused to examine the appeal because the value of the subject matter of the dispute had been below the statutory threshold. The applicant, Ms Zubac, complained that she had therefore been prevented from having access to the Supreme Court.

No violation of Article 6 § 1

**Cases dealing with property rights
(Article 1 of Protocol No. 1)**

Radomilja and Others v. Croatia

20.03.2018

The case concerned the domestic courts' refusal to recognise the ownership of land the applicants' claimed to have acquired by adverse possession.

In June 2016 two Chamber judgments found a violation of the applicants' property rights, relying on the Court's case-law in an earlier case, *Trgo v. Croatia*.

The Grand Chamber held that before the Chamber the applicants had not relied on the period between 6 April 1941 and 8 October 1991, thus excluding it from the factual basis of their complaints. By taking that period into account the Chamber had decided beyond the scope of the case. The applicants were permitted to subsequently rely on that period before the Grand Chamber. **However, that amounted to raising a new complaint, which was inadmissible as it had been made outside the six-month time-limit.**

The Grand Chamber considered that the rest of the complaints made by the applicants were related to the domestic courts' application and interpretation of the law and their assessment of the facts.

Neither of those grounds allowed for their claims to be treated as possessions under the Convention, meaning that there had been **no violation of their property rights.**

Ališić and Others v. Bosnia and Herzegovina, Croatia, Serbia, Slovenia and "The former Yugoslav Republic of Macedonia"

16.07.2014

Concerned the applicants' inability to recover "old" foreign-currency savings – deposited with two banks in what is now Bosnia and Herzegovina – following the dissolution of the former Socialist Federal Republic of Yugoslavia (SFRY).

Violation of Article 1 of Protocol No. 1 (protection of property) and of Article 13 (right to an effective remedy) by Serbia with regard to Mr Šahdanović

Violation of Article 1 of Protocol No. 1 and of Article 13 by Slovenia with regard to Ms Ališić and Mr Sadžak:

No violation of Article 1 of Protocol No.1 and of Article 13 with regard to the other respondent States

No violation of Article 14 taken together with Article 13 and Article 1 of Protocol No. 1

Blečić v. Croatia

08.03.2006

Termination of the applicant's specially protected tenancy (*stanarsko pravo*) during war in Croatia.

Unable to take cognisance of the merits of the application as the alleged interference with the applicant's property rights occurred before Croatia's ratification of the Convention

Chamber

Cases concerning inadequate investigations into war crimes during the Homeland war in Croatia (Article 2)

Violations of Article 2

B. and Others v. Croatia
(no. 71593/11)

18.06.2015

Jelić v. Croatia

12.06.2014

Jularić v. Croatia and Skendžić and Krznarić v. Croatia

20.01.2011

**Other cases concerning the right to life
(Article 2)**

Violation of Article 2

Bljakaj and Others v. Croatia

18.09.2014

The case concerned a complaint that the authorities had failed to take the necessary measures to protect a lawyer who was shot dead by one of her clients' husband, who was mentally disturbed.

Branko Tomašić and Others v. Croatia

15.01.2009

Croatian authorities' failure to take adequate measures to protect applicants'

relative and her child, who were killed by the child's father.

Cases concerning inhuman or degrading treatment (Article 3)

Violation of Article 3

Škorjanec v. Croatia

28.03.2017

The applicant complained to the European Court of Human Rights of a lack of an effective procedural response of the Croatian authorities in relation to a racially motivated act of violence against her.

M. and M. v. Croatia (no. 10161/13)

03.09.2015

The case concerned a custody dispute, including allegations of child abuse by the father. The applicants, a mother and her daughter, complained in particular that the national authorities had failed to remove the child from the father's care and to thus prevent further domestic abuse.

Đorđević v. Croatia

24.07.2012

The case concerned the complaint by a mother and her mentally and physically disabled son that they had been harassed, both physically and verbally, for over four years by children living in their neighbourhood, and that the authorities had failed to protect them.

V.D. v. Croatia (no. 15526/10)

08.11.2011

The case concerned the complaint by a schizophrenic that the police ill-treated him while trying to arrest him.

Đurđević v. Croatia

19.07.2011

The case concerned complaints by three members of a family of Roma origin about their ill-treatment by private individuals, by the police and at the son's school.

The Court further found that the boy's complaints of bullying at school should have been more specific to be admissible.

Mader v. Croatia

21.06.2011

Ill-treatment – lack of food and sleep - and lack of legal assistance during applicant's police interrogation on murder charges.

This is the first case against Croatia concerning alleged lack of legal assistance during police questioning.

Šečić v. Croatia

31.05.2007

Failure of domestic authorities to undertake a serious and thorough investigation into a racist attack against applicant, most probably induced by ethnic hatred.

No Violation of Article 3

A and B v. Croatia (no. 7144/15)

20.06.2019

The case concerned a complaint that the Croatian authorities had failed to provide a proper response to allegations of child sexual abuse.

Cases concerning Article 5 (right to liberty and security)

Čutura v. Croatia

10.01.2019

The case concerned a court order to keep the applicant in a psychiatric hospital where he had been placed after it had been found in the criminal proceedings that he had uttered threats in a state of mental derangement.

Violations of Article 5 § 1

Oravec v. Croatia

11.07.2017

The case concerned a decision ordering the detention of the applicant, Mr Oravec. The applicant was arrested and detained in April 2011 on suspicion of drug trafficking, and later released by the investigating judge. While at liberty, the prosecutor successfully appealed against the decision to release him and, in June 2011, Mr Oravec was ordered to be re-arrested and placed in detention. The prosecution ultimately dropped the charges against him.

No violation of Article 5 § 1 as concerned the lawfulness of the detention order of June 2011

Peša v. Croatia

08.04.2010

Case (widely referred to as the "Maestro" affair) concerned Vice-president of the Croatian Privatisation Fund's complaint in particular about the duration of his detention as well as the proceedings concerning its lawfulness following his

arrest and remand in custody on suspicion of taking bribes. He further complained about statements made to the media on his case by high-ranking State officials.

[Violations of Article 5 §§ 3 and 4](#)

[Violation of Article 6 § 2 \(presumption of innocence\)](#)

Cases concerning Article 6

Right to a fair trial

Violation of Article 6 § 1

[Hodžić v. Croatia](#)

04.04.2019

The case concerned the proceedings for the applicant's confinement in a psychiatric hospital.

[Matanović v. Croatia](#)

04.04.2017

Mr Matanović, the applicant, a vice-president of the Croatian Privatisation Fund, was convicted of corruption in 2009 for accepting and facilitating bribes in exchange for support of investment projects and privatisations. His conviction was essentially based on evidence obtained via telephone tapping following a covert operation involving an informant.

[Sanader v. Croatia](#)

12.02.2015

The case essentially concerned the complaint by a man convicted in his absence of war crimes – committed in 1991 as a participant in Serb paramilitary forces – that he was unable to obtain a rehearing of his case.

[Zagrebačka banka d.d. v. Croatia](#)

12.12.2013

Concerned enforcement proceedings against the applicant bank in which the main issue was the exact calculation of the statutory default interest on the principal sum the bank had been ordered to pay in preceding civil proceedings against it. This resulted in the seizure of over 168,000,000 Croatian Kunas from its account.

[Ajdarić v. Croatia](#)

13.12.2011

Concerned a man convicted of three murders and sentenced to 40 years'

imprisonment solely on the basis of hearsay evidence.

[X and Y v. Croatia \(no. 5193/09\)](#)

03.11.2011

The case concerned proceedings brought by the social services to divest a mother (X) and a daughter (Y) of their legal capacity.

[Juričić v. Croatia](#)

26.07.2011

Complaint brought by a candidate for the judge of the Constitutional Court about the alleged unfairness of proceedings in which she had contested a decision of Croatian Parliament to appoint another candidate and not her.

[Lisica v. Croatia](#)

25.02.2010

Applicants' conviction for bank robbery based on evidence obtained without their knowledge.

[Mežnarić v. Croatia](#)

15.07.2005

Decision with regard to applicant's constitutional complaint concerning a breach of contract decided by a panel of judges which included a judge who had represented his opponents at an earlier stage in the proceedings.

No violation of Article 6 § 1

[Jureša v. Croatia](#)

22.05.2018

The case concerned Ms Jureša's complaint that she had not been allowed to appeal to the Supreme Court in a property inheritance dispute.

The Court observed that the Supreme Court had declared Ms Jureša's appeal on points of law inadmissible because the value of the dispute had not reached the necessary legal threshold. That decision had been a reversal of previous Supreme Court case-law on such issues.

[Matanović v. Croatia](#)

04.04.2017

(see above)

Right to a fair trial within a reasonable time

No violation of Article 6 § 1

[Olujčić v. Croatia](#)

05.02.2009

Unfairness of disciplinary proceedings against applicant, former judge and President of the Supreme Court (*Vrhovni sud Republike Hrvatske*) before his dismissal in 1998.

Right of access to court

[Momčilović v. Croatia](#)

26.03.2015

The case concerned the condition in Croatian law making access to a civil court dependent on a prior attempt to settle the claim.

No violation of Article 6 § 1

Cases concerning private and family life (Article 8)

Violation of Article 8

[Hoti v. Croatia](#)

26.04.2018

The case concerned a migrant in Croatia who complained that he had been unable to regularise his residence status since his arrival in the country in 1979. His parents fled Albania in 1960 as political refugees and settled in Kosovo; he was born there a few years later. He has since been told by the Albanian authorities that he is not Albanian; according to his birth certificate, he has no nationality. He has been living and intermittently working in Croatia for almost 40 years and has no link with any other country as he has, in the meantime, lost contact with all his relatives. Currently unemployed because he has no residence status, he survives by carrying out occasional work on farms.

[Vujica v. Croatia](#)

08.10.2015

The case essentially concerned two parallel sets of proceedings in which the Croatian courts had refused to return Ms Vujica's three children to her in Austria and had awarded custody to the father.

[Dragojević v. Croatia](#)

15.01.2015

The case principally concerned the secret surveillance of telephone conversations of a drug-trafficking suspect.

[Marić v. Croatia](#)

12.06.2014

The case concerned the disposal of a stillborn child as clinical waste by a publicly-owned hospital and the father's complaint that he was then unable to obtain information about the resting place of his child.

[Brežec v. Croatia](#)

18.07.2013

The case concerned the applicant's complaint that she was evicted from a flat in which she had lived for 32 years following a domestic court's order.

[M.S. v. Croatia \(no. 36337/10\)](#)

25.04.2013

The case originated in a dispute between, on the one hand, two sisters (one of whom is the applicant, Ms M.S.) and, on the other hand, the owner and employee of the restaurant above which they live, resulting in them bringing criminal proceedings against one another and Ms M.S. being appointed a guardian in proceedings to divest her of her legal capacity. The applicant notably brought criminal proceedings against the employee of the restaurant for allegedly hitting and kicking her in May 2003; and, the restaurant owner brought proceedings in August 2006 against the applicant and her sister for defamation.

[A.K. and L.K. v. Croatia \(no. 37956/11\)](#)

08.01.2013

Concerned mother with mild mental disability divested of her parental rights. Her son was put up for adoption without her knowledge, consent or participation in the adoption proceedings.

[Orlić v. Croatia](#)

21.06.2011

Concerned the eviction of a retired military serviceman from a flat which had been allocated to him by the former Yugoslav People's Army (the YPA), after Croatia had issued a global ban in July 1991 on transactions concerning YPA property in the country.

[Krušković v. Croatia](#)

21.06.2011

Father deprived of legal capacity left in legal void as concerned his paternity rights – first case concerning recognition of

paternity of a father who had lost legal capacity.

[**A. v. Croatia**](#) (no. 55164/08)

14.10.2010

Case concerned the authorities' failure to protect applicant against domestic violence of her mentally-ill ex-husband.

[**Oluić v. Croatia**](#)

20.05.2010

Croatian authorities' failure to protect applicant from excessive noise coming from a bar adjoined to her house.

[**Janković v. Croatia**](#)

05.03.2009

Authorities' failure to adequately protect applicant from being attacked by her flatmates and subsequently to have them punished.

[**X v. Croatia**](#) (no. 11223/04)

17.07.2008

Applicant, a paranoid schizophrenic divested of her capacity to act, complained about daughter being given up for adoption without her knowledge or consent.

[**Karadžić v. Croatia**](#)

15.12.2005

Inefficiency of Croatian authorities in enforcing a court order to reunite applicant with her son, kidnapped by the boy's father.

[**Mikulic v. Croatia**](#)

07.02.2002

Inefficiency of domestic courts with regard to applicant's paternity suit left her in state of prolonged uncertainty as to personal identity.

No violation of Article 8

[**A and B v. Croatia**](#) (no. 7144/15)

20.06.2019

The case concerned a complaint that the Croatian authorities had failed to provide a proper response to allegations of child sexual abuse.

[**Pojatina v. Croatia**](#)

04.10.2018

The case concerned Croatian legislation on home births. The applicant is a mother who gave birth to her fourth child at home with the help of a midwife from abroad. She alleged in particular that, although Croatian

law allowed home births, women such as her could not make this choice in practice because they were not able to get professional help.

Cases concerning freedom of thought, conscience and religion (Article 9)

[**Savez Crkava Riječ Života and Others v. Croatia**](#)

09.12.2010

Concerned discrimination against Reformist churches. Applicant churches complained that, unlike other religious communities in Croatia, they could not provide religious education in public schools and nurseries or obtain official recognition of their religious marriages as the domestic authorities refused to conclude an agreement with them regulating their legal status.

[Violation of Article 9 in conjunction with Article 14 \(prohibition of discrimination\)](#)

Freedom of expression cases (Article 10)

Violation of Article 10

[**Narodni List D.D. v. Croatia**](#)

08.11.2018

The case concerned the freedom of the press to criticise judges. The applicant, the publisher of a weekly magazine, complained about a domestic court decision finding that it had defamed a county court judge and ordering it to pay over 6,000 euros in damages. The decision referred to an article the applicant had published criticising the judge for going to a party despite a potential conflict of interest and for issuing an unjustified search warrant of its premises.

[**Stojanović v. Croatia**](#)

19.09.2013

The case concerned defamation proceedings brought by the Croatian Minister of Health against Mr Stojanović following the publication of two articles in 1997 reproducing critical statements attributed to the latter – which he denied having made – resulting in Mr Stojanović being ordered to pay damages to the minister.

[The Court rejected an objection by the Croatian Government to the effect that](#)

Article 10 was not applicable. It underlined that the extent of liability in defamation must not go beyond a person's own words, and that an individual may not be held responsible for statements or allegations made by others.

No violation of Article 10

Europapress holding d.o.o. v. Croatia

22.10.2009

Defamation proceedings against the applicant, a newspaper publisher, for reporting in an article that B.Š., at the time Minister of Finance, had pointed a gun at a journalist.

Cases dealing with discrimination (Article 14)

Guberina v. Croatia

22.03.2016

The case concerned the complaint by the father of a severely handicapped child about the tax authorities' failure to take account of the needs of his child when determining his eligibility for tax exemption on the purchase of property adapted to his child's needs.

Violation of Article 14 in conjunction with Article 1 of Protocol No. 1 (protection of property)

Pajić v. Croatia

23.02.2016

The case concerned the complaint by a national of Bosnia and Herzegovina, who is in a stable same-sex relationship with a woman living in Croatia, of having been discriminated against on the grounds of her sexual orientation when applying for a residence permit in Croatia.

Violation of Article 14 taken in conjunction with Article 8 (right to respect for private and family life)

Cases concerning property issues (Article 1 of Protocol No. 1)

Violation of Article 1 of Protocol No. 1

Čakarević v. Croatia

26.04.2018

The case concerned the applicant's complaint that she had been ordered to repay unemployment benefits after the

employment office made a mistake in authorising the payments.

The Court observed that Ms Čakarević, who was unemployed and suffered from ill health, had done nothing to mislead the employment office about her circumstances.

Petar Matas v. Croatia

04.10.2016

The case concerned the Croatian authorities' decision to restrict Mr Matas' use of a building he owned and used as a car repair workshop pending an evaluation of its cultural value.

S.L. and J.L. v. Croatia (no. 13712/11)

07.05.2015

The case concerned the state's protection of the interests of the applicants, who were minors at the time of the facts, in a property deal.

Statileo v. Croatia

10.07.2014

The case concerned legislation introduced in 1996 to reform the housing sector in Croatia. The applicant, Mr Statileo, who was the landlord of a flat which was formerly part of a specially protected tenancy scheme under the Socialist regime, complained in particular that, under the new legislation, he was unable to use his flat, rent it to the person of his choice or charge the market rent for its lease.

Lelas v. Croatia

20.05.2010

Croatia's refusal to pay the applicant, a military serviceman, a special allowance for demining work.

Trgo v. Croatia

11.06.2009

Refusal of domestic courts to acknowledge applicant's ownership of certain plots of land acquired by adverse possession.

No violation of Article 1 of Protocol No. 1

Bikić v. Croatia

29.05.2018

The case concerned the authorities' refusal to let an employee of a socially owned company buy a flat in Zagreb where she had been living for 30 years. She moved into the property under the former Yugoslav socialist regime when employees

of socially owned companies were put on lists for the distribution of flats paid for by employee contributions. Those who obtained a flat acquired what was called a "specially protected tenancy". Parliament abolished those tenancies in 1991 and a new law regulated the sale of flats previously let under the protected tenancy system.

Noteworthy cases, decisions delivered

[Seražin v. Croatia](#)

08.11.2018

The case concerned the measures used in Croatia to fight against hooliganism.

[Application declared inadmissible](#)

[Ljubljanska banka d.d. v. Croatia](#)

12.05.2015

The case essentially concerned the enforcement proceedings brought by the Ljubljanska banka d.d. against a Croatian sugar factory for recovery of debt. The bank complained in particular about the non-enforcement of two writs of execution in its favour.

[Application declared inadmissible as Ljubljanska banka had no standing to lodge an individual application before the European Court.](#)

Cases concerning allegations of killings of civilians by Croatian soldiers during the homeland war in Croatia

[Bekić and Others v. Croatia](#)

30.09.2014

[Applications declared inadmissible as lodged out of time in accordance with Article 35 §§ 1 and 4 of the Convention](#)

[Paić and Others v. Croatia](#)

[Schubert Tepšić and Tepšić v. Croatia](#)

12.11.2013

[Applications struck out of the Court's list of cases following a friendly settlement agreement between the applicants and the Croatian Government](#)

[Balenović v. Croatia](#)

30.09.2010

Applicant's dismissal from INA – Industrija nafte d.d, Croatia's national oil company, because she had made statements to the

press about irregularities in the operation of the company.

[Application declared inadmissible as manifestly ill-founded.](#)

[Šubašić v. Croatia](#)

30.03.2010

Refusal of the Croatian authorities to reimburse the applicant for urgent post-natal medical care of her twin daughters, born prematurely in a hospital abroad.

[Application declared inadmissible for non-exhaustion of domestic remedies.](#)

Noteworthy pending cases

Grand Chamber

S.M. v. Croatia (no. 60561/14)

The case concerns a Croatian woman's complaint that she was forced into prostitution.

Relying in particular on Article 4 (prohibition of slavery / prohibition of forced labour) of the Convention, the applicant complains of the lack of a legal framework to deal with the issues raised by her case and about the official response to her allegations.

In its Chamber [judgment](#) of 19 July 2018, the Court held, by six votes to one, that there had been a violation of Article 4 of the Convention.

Case [referred to the Grand Chamber on 3 December 2018](#)

Grand Chamber [hearing on 15 May 2019](#)

Inter-state case

Slovenia v. Croatia (no. 54155/16)

The case concerns allegations of unfairness, a lack of impartiality and discrimination by the Croatian courts in proceedings brought by a Slovenian bank, Ljubljanska banka d.d., to collect debts owed by Croatian companies.

The Slovenian Government allege multiple violations of Article 6 § 1 (right to a fair trial) of the Convention. They also allege that there have been several violations of Ljubljanska banka's rights under Article 1 of Protocol No. 1 (peaceful enjoyment of possessions) to the Convention, Article 14 (prohibition of discrimination) and Article

13 (right to an effective remedy) of the Convention.

Case [relinquished](#) to the Grand Chamber on 18 December 2018

Grand Chamber [hearing](#) on 12 June 2019

Chamber

Sabalić v. Croatia (no. 50231/13)

Case [communicated](#) to the Croatian Government in January 2014

The case concerns the applicant's complaint of the lack of an appropriate procedural

response of the domestic authorities regarding a violent outburst by a private party against Ms Sabalić motivated by her sexual orientation.

The applicant relies on Articles 3 (prohibition of inhuman or degrading treatment), 8 (right to private life) and 13 (right to an effective remedy) of the Convention.

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