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Please note that this translation is a purified text version published in the Official Gazette no. 88/2001, including the amendments to the Law published in the Official Gazette no. 12/2002, 33/2005, 48/2005.

GOVERNMENT OF THE REPUBLIC OF CROATIA

**THE LAW ON THE OFFICE FOR THE SUPPRESSION OF CORRUPTION AND
ORGANISED CRIME**

Zagreb, March 2004

LAW ON THE OFFICE FOR THE SUPPRESSION OF CORRUPTION AND ORGANISED CRIME

I. BASIC PROVISIONS

Article 1

This Law specifies:

1. organisation, jurisdiction and competence of the Office for the Prevention of Corruption and Organised Crime (hereinafter: Office),
2. jurisdiction and competence of courts and criminal offence procedures specified herein,
3. appointment of the Head of the Office (hereinafter Head) and Deputy Head, assignment of state attorneys and their deputies, conditions for employment of officers and employees, and provision of funds for the work of the Office,
4. securing seizure of means, proceeds or assets resulting from criminal offence,
5. cooperation of the government bodies and other bodies and persons with the Office,
6. international cooperation in criminal prosecution and investigation of criminal offences under the Office's jurisdiction.

Article 2

- (1) The Office is a special State Attorney's Office established for the territory of the Republic of Croatia with a seat in Zagreb.
- (2) Unless otherwise specified herein, the provisions of the Law on the State Attorney's Office shall apply to the organisation and activity of the Office.
- (3) The Office has a stamp bearing the following name: Republic of Croatia - State Attorney's Office, Office for the Suppression of Corruption and Organized Crime and the coat of arms of the Republic of Croatia. At the building in which the Office is located shall be displayed the name: Republic of Croatia - State Attorney's Office, Office for the Suppression of Corruption and Organized Crime, the coat of arms and the flag of the Republic of Croatia.

II. ORGANISATION, JURISDICTION AND POWERS OF THE OFFICE, APPOINTMENT OF HEAD AND DEPUTY HEADS

1. Organisation of the Office

Article 3

- (1) The Office is run by the Head. The Deputy State Attorney General of the Republic of Croatia (hereinafter: State Attorney General), or a County State Attorney or his or her Deputy, may be appointed Head, if they meet the requirements for the appointment as the Deputy State Attorney General.
- (2) The Head is appointed by the State Attorney General, with a previously obtained opinion of the Minister of Justice, and the opinion of the panel of national State Attorney's Office of the Republic of Croatia.

- (3) The Minister of Justice shall issue his opinion from para 2 above within 30 days from the date of receipt of request.
- (4) The procedure for the appointment of the Head shall be initiated by the State Attorney General four months prior to the expiration of the period for which the Head was appointed.
- (5) In addition to the request for opinion, the State Attorney General shall forward to the Minister of Justice a written consent of the candidate.
- (6) The consent of the candidate shall contain the statement of property he or she owns or with which he or she disposes.
- (7) The data from para 6 above are classified. These data may only be used in the procedure for the appointment of the Head.
- (8) Security checks and checks of the property status of the Head, based on the request of the State Attorney General, may be performed without the Head's knowledge prior to the nomination anytime during the period for which he was appointed, and one year after he or she ceased to perform the duty of the Head, according to special regulations.

Article 4

- (1) The Head shall be appointed for a period of four years. After the expiration of this period, the Head may be re-elected.
- (2) The Head shall be relieved of duty in the cases that apply to the relief of duty of a public prosecutor prescribed by the Law on the State Attorney's Office (*Official Gazette* No. 51/01).
- (3) Besides the cases from para 2 above the Head shall be relieved of duty:
 1. if he or she does not agree to security checks or impedes their implementation, or
 2. if he or she does not provide, in due time, data on his or her property status.
- (4) In cases from para 2 above, unless they refer to the relief of duty for disciplinary reasons, and para 3 above, the Head shall remain Deputy State Attorney General, or County State Attorney, but he or she may not work at the Office.

The Head shall have the rights and duties of a State Attorney.

Article 5

- (1) The State Attorney's Office duties at the Office shall be performed by the Head and Deputy Heads. The number of Deputy Heads of the Office shall be determined by the Minister of Justice at the proposal of the State Attorney General.
- (2) The Deputy Head is authorised, when he or she acts as the Head, to conduct all actions in the proceedings before a court or other government body, for which the Head is authorised pursuant to law, according to the schedule of duties and under instructions by the Head.

Article 6

- (1) With the previous approval of the Minister of Justice, the Head shall issue the systematisation of civil servant and employee posts.
- (2) The Minister of Justice shall issue the Internal Rules of the Office.

Article 7

- (1) The State Attorney or Deputy State Attorney who, after passing the judicial exam worked at least eight years as a judge, state attorney, deputy state attorney, lawyer, or a police officer combating crime, and who has pronounced inclination toward and capabilities for investigating the most serious and complicated criminal offences, may be assigned as the Deputy Head of the Office.
- (2) The Deputy Head shall be assigned in the way, under the conditions and according to the procedure in which his or her expertise, independence and capability for performing state attorney duties of the Office are best employed.
- (3) The expertise and capability to perform state attorney duties working for the Office shall be determined on the basis of opinion on the performance of the candidate issued by a state attorney, the evaluation of his work in complex cases, his performance in the preliminary proceedings and the criminal proceedings, and on the basis of the evaluation of his performance as state attorney.

Article 8

- (1) A Deputy Head vacancy shall be announced in the way that it shall be made accessible to state attorneys and their deputies. Candidates may apply within thirty days from the date of announcement.
- (2) The Deputy Head is assigned to the Office by the State Attorney General, at the proposal of the Head, from among the state attorneys and deputy state attorneys, for a period of four years. After the expiration of this period, the Deputy Head may be reassigned to the Office. In his or her decision on the assignment, the State Attorney General shall take into consideration the information from Article 7, para 3 hereof, and notably the data on the candidate's performance as a state attorney.
- (3) If the Head is not reappointed or the Deputy Head is not reassigned to the Office, he or she shall continue to work as Deputy State Attorney at the State Attorney's Office where he or she worked prior to his or her appointment to the Office.
- (4) The provisions of Article 3, para 4 through 8 hereof shall apply to the assignment procedure of the Deputy Head.

Article 9

- (1) The provisions of the Law on State Attorney's Office shall apply to relieving of duty of Deputy Heads. The mandate of the Deputy Head at the Office shall also cease for reasons specified in Article 4, para 3 hereof.

- (2) The Head, with the approval of the Minister of Justice, and the Deputy Head with the approval of the Head, may cease working for the Office at his or her own request.
- (3) The decision on the termination of the office of the Head or Deputy Head for the reason stated in para 2 above shall be made by the State Attorney General.
- (4) The Head or the Deputy Head who stops working in the Office under the conditions from para 3 above shall continue to work as the Deputy Head of the State Attorney's Office where or she worked before the appointment or assignment to the Office.

Article 10

- (1) Exceptionally, for particularly important reasons, the State Attorney General may, at the proposal of the Head, refer a State Attorney or a Deputy State Attorney to work for the Office on a particular case or for a limited period of time.
- (2) The provisions of Article 3 para 5 through 8 hereof shall apply accordingly to the procedure of referring to work for the Office.
- (3) Referring to work in cases from para 1 above shall not exceed one year.

Article 11

- (1) The Office shall employ senior counsellors, counsellors and investigative assistants appointed pursuant to the provisions of the Law on State Attorney's Office.
- (2) The provisions of Article 3, para 6 through 8 hereof and the provisions of the Law on the State Attorney's Offices shall apply accordingly to the procedure of the appointment of senior counsellors and counsellors.
- (3) Investigative assistants shall assist the Head or the Deputy Head in cases in which expert knowledge is required, and may perform their work independently, when this is specified by law or other regulation.
- (4) The provisions of Article 3, para 6, 7 and 8 hereof and the Law on Civil Servants and Employees (*Official Gazette* No. 27/01) shall apply to the procedure of admission and assignment to work and the termination of work of investigative assistants, unless specified otherwise herein.
- (5) Senior counsellors, counsellors and investigative assistants shall be admitted and assigned to work by the Head.

Article 12

The Office shall include:

1. Investigation and Documentation Department,
2. Anticorruption and PR Department,

3. Department of State Attorneys acting as Prosecutors before court (hereinafter: Prosecutor's Department),
4. Department for international cooperation and joint investigations,
5. Secretariat
6. Supporting Services.

Article 13

- (1) Investigation and Documentation Department shall:
 1. systematically collect data on corruption and organised crime,
 2. organise and run a data basis which may serve as a source of information in the criminal proceedings from Article 21 hereof,
 3. encourage and direct the cooperation between the government bodies with a view to discovering corruption and organised crime,
 4. perform other duties according to the annual schedule of duties.
- (2) Records shall be kept pursuant to the regulations on the protection of the confidentiality of data, as specified by special rules issued by the Minister of Justice.
- (3) The duties of the Investigation and Documentation Department shall be carried out by counsellors and investigative assistants under the surveillance of the Deputy Head who shall be responsible for the Office management, according to the annual schedule of duties.

Article 14

- (1) The Anticorruption and PR Department shall:
 1. inform the public of the danger of and damage by corruption, and the methods and means to prevent it,
 2. based on the competence and the directives from the Head of the Office informs the public of the Office's activities
 3. prepare reports and analysis on the form and causes of corruption in public and private sectors, and may give incentives to the Head of the Office for the adoption of new regulations or amendments of regulations in force,
 4. perform other duties according to the annual schedule of duties of the Office.
- (2) Duties of the Anticorruption and PR Department shall be performed by counsellors and investigative assistants under the surveillance of the Deputy Head assigned to run the Department according to the annual schedule.

Article 15

- (1) The Prosecutor's Department shall carry out duties of state attorney pursuant to the Criminal Procedure Act and other regulations, and notably:
 1. direct the work of the police authorities and other bodies in discovering criminal offences from Article 21 hereof and request the gathering of information on these offences.
 2. propose the implementation of security measures of compulsory seizure of funds, revenues and property acquired through criminal offence as specified herein and in other regulations,
 3. perform other duties according to the schedule of duties.

- (2) If required by the workload, Sections within the Prosecutor's Department may be established for actions before county courts in Osijek, Rijeka and Split.
- (3) The duties of the Prosecutor's Department shall be performed by deputy heads, counsellors and investigative assistants under the surveillance of the deputy assigned to run the Department according to the annual schedule of duties.

Article 15a

- (1) The Department for international cooperation and joint investigations:

1. shall cooperate with competent bodies of other states and international organizations pursuant to international treaties,
2. shall designate members to the joint investigation bodies established, based on an international treaty or a clause for a particular case, for the investigation, criminal prosecution or representation of prosecution before the court, of criminal offences referred to in the Article 21 hereof, in the Republic of Croatia, or in one or more other states.

(2) In joint investigations carried on the territory of the Republic of Croatia, the Department for international cooperation and joint investigations shall supervise the application of national regulations and the respect of the sovereignty of the Republic of Croatia. It shall immediately inform the Head of the observed flaws or disputable issues which cannot be resolved by counselling with the competent body of another state or its representatives, and the Head will, if appropriate, seek the opinion of the ministry competent for the justice and the ministry competent for foreign affairs.

- (3) For the needs of joint investigations the Department for international cooperation and joint investigations:

1. receives requests of another state for undertaking special inquiries into criminal offences pursuant to the Article 190 of the Criminal Procedure Act (Official Gazette, nos.110/97, 27/98, 58/99, 112/99, 58/02 and 143/02), (hereinafter: CPA) and immediately forward them to the competent court,
2. in case of particularly urgent actions that the competent bodies of other states are authorized to independently undertake on the territory of the Republic of Croatia pursuant to a special agreement, supervises the undertaking, observing that the competent body of the other state in so doing does not infringe the inviolability of a person's home or of the right to personal freedom and dignity. Upon the completion of those actions it shall submit a final report to the Head who may require the presence of the authorized foreign official person during the submission of the report.
3. from the competent bodies of other states receives requests for mutual legal assistance in proceedings regarding criminal offences referred to in the Article 21 hereof. The Office shall inform the State Attorney's Office of the Republic of Croatia of the receipt and execution of the request.

(4) Investigations as referred to in this Law are actions and measures undertaken by the State Attorney pursuant to the Article 42, paragraph 2, subparagraph 3 of the CPA.

Article 16

The Secretariat shall perform the duties of personnel management and other duties according to the annual schedule of duties.

Article 17

Deleted

Article 18

(1) The regulations applicable to civil servants and employees at the State Attorney's Office shall apply to the rights and duties from and related to the work of civil servants and employees of the Office.

(2) The provisions of Article 3 para 6 through 8 hereof shall apply accordingly to civil servants and employees.

Article 19

(1) Security of the premises of the Office, its facilities, and of the actions taken by the Office, shall be maintained through physical and technical protection of judicial police officers assigned to work at the Office.

(2) Physical protection means immediate guarding and protecting of persons and property through direct security measures and physical force.

(3) Technical protection of persons and property includes technical means and devices whose type, purpose and quality is determined by the Minister.

Article 20

(1) Judicial police officers are transferred to work to the Office by the Minister of Justice, with previous written agreement of the Head. Before the assignment to work at the Office, provisions of Article 3, para 6 through 8 hereof shall apply accordingly.

(2) During their work at the Office, judicial police officers shall act according to the instructions of the Head and may not, without his previous approval, perform other duties.

3. Competence of the Office

Article 21

(1) The Office performs duties of the State Attorney's Office in cases of criminal offences of:

1. misuse in bankruptcy proceedings from Article 283, paras 2 and 3 of the Criminal Code (Official Gazette No. 110/97, 27/98, 50/00, 129/00, 51/01, 111/03, 190/03 and 105/04 – hereinafter CC), unfair competition in foreign trade operations from Article 289, para 2 of the CC, misuse in performing government duties from Article 338 of the CC, illegal intercession from Article 343 from the CC, accepting bribe from Article 347 of the CC, accepting a bribe in economic business operations from the Article 294a of the CC, offering bribe from Article 348 of the CC and offering bribe in economic business operations from Article 294b of the CC;
 2. unlawful deprivation of freedom from the Article 124 paragraph 3 of the CC, kidnapping from the Article 125, paragraph 2 of the CC, coercion from the Article 128, paragraph 2 of the CC, trafficking in human beings and slavery from the Article 175 paragraph 3 of the CC, illegal transfer of persons across the state border from the Article 177 paragraph 3 of the CC, robbery from the Article 218 paragraph 2 of the CC, extortion from the Article 234 paragraph 2 of the CC, blackmail from the Article 235 paragraph 2 of the CC, money laundering from the Article 279 paragraph 3 of the CC and illegal debt collection from the Article 330 paragraphs 4 and 5 of the CC, if those criminal offences were committed as a member of a group (Article 89 paragraph 22 of the CC) or a criminal organization.
 3. abuse of narcotic drugs from the Article 173, paragraph 3 of the CC,
 4. association for the purpose of committing criminal offences from Article 333 of the CC, including all criminal offences committed by the group or criminal organisation, except for the criminal offences against the Republic of Croatia and the Armed Forces;
 5. committed in connection with the activity of a group or a criminal organisation for which prison sentence in excess of three years is provided, and the offence was committed in two or more states or a significant part of its preparation or planning was performed in another state.
- (2) The Office is also competent for the conduction of criminal procedures against the organizer of a group or criminal organization for the perpetration of the criminal offence of pandering from the Article 195 paragraph 2 of the CC, illicit trade in gold from the Article 290 paragraph 2 of the CC, and avoiding customs control from Article 298 paragraph 2 of the CC.
- (3) The Office is also competent for the criminal offences of money laundering from Article 279, paras 1 and 2 of the CC, obstruction of evidence from Article 304, paras 1 and 2 of the CC, duress against officials engaged in the administration of justice from Article 309 of the CC, obstructing an official in the performance of duty from Article 317 of the CC, and attacking an official from Article 318 of the CC, if such offences have been committed in connection with the perpetration of criminal offences from para 1 above.

Article 21a

- (1) All government bodies and all legal entities which, within the scope of their activities or during the performance of their activities, come to know circumstances and information indicating the perpetration of a criminal offence referred to in the Article 21 hereof, especially those which, by the manner of planning and preparing

the criminal offence, the way of perpetration, the way of dealing with acquired financial means, the participation in business transactions, the conspiratorial behaviour of the perpetrators, the connection with foreign countries, the corruption or attempt to corrupt or other similar behaviour (indicators of organized crime), would imply activities from an association of at least three persons gathered to commit criminal offences, are obliged to file a crime report on these circumstances (Article 193 of the CPA) or to inform the Office.

- (2) Until special regulations are adopted, the Chief of Police at the Ministry of Interior shall issue a decision to designate from each police district and the General Police Directorate at least two criminal police managers, which, in case of suspected criminal offences referred to in the paragraph 1 above, shall:
 1. cooperate with the competent State Attorney and the Office in the evaluation of indications of organized crime while deciding of the initiation of inquiries;
 2. cooperate with the Office in collecting and analysing inquiries and in evaluating them while finally deciding whether to institute criminal proceedings or refer them to the Office.
- (3) The Office shall employ as consultants at least two officers with acquired profession of independent police inspector or a higher profession. Consultants: they cooperate in forwarding the Office's requests and assist in their execution; they propose the necessary measures for discovering criminal offenders, and for finding and securing evidence; they give recommendations to the Chief for the harmonization of the work of the police authorities to whom the Office forwarded the request for inquiries.
- (4) The Chief of the Police at the Ministry of Interior shall decide on the technical means which shall be used in the execution of the request of the Office and, if appropriate, may organize an expert team for the execution of requests of the Office.

Article 21b

- (1) If, along with the grounds for suspicion that a criminal offence subject to public prosecution was committed, (Article 192 paragraph 1 of the CPA) arise indications of organized crime, the police authorities shall immediately inform the competent State Attorney's Office about it and in agreement with that State Attorney's Office immediately undertake all necessary actions and so inform the Office.
- (2) Upon the receipt of the information referred to in the paragraph 1 above, if the Office assesses that a criminal offence falling under its jurisdiction was committed, it may take over the work on this case. It shall so inform the police authorities and the State Attorney's Office which conducted the case thereuntil.
- (3) The State Attorney General of the Republic of Croatia may issue an instruction for the appointment of an deputy in State Attorney's Offices having a grater number of pending cases referred to in the paragraph 1 above, that shall give instructions to the police authorities regarding necessary actions and measures, and, if appropriate, conduct other inquiries.
- (4) If the State Attorney's Office referred to in the paragraph 1 above considers that there are no indications of organized crime, it shall so inform the Office. The Office may also ask the

State Attorney General of the Republic of Croatia to issue an instruction referred to in the Article 26 paragraph 3 of the Law on State Attorney's Office.

- (5) Upon the termination of inquiries, the State Attorney's Office referred to in the paragraph 1 above shall refer the case to the Office, if it considers that the committed criminal offence falls under its jurisdiction, or inform the Office that it shall resume the proceedings.

Article 21c

(1) If there are grounds for suspicion that the criminal offence referred to in the Article 21 hereof was committed and if there are indications of organized crime, the Office and the police authorities shall undertake all necessary actions so as to infiltrate the heart of the criminal organization, uncover its members and organizers and collect all information and evidence needed for the criminal procedure. With this aim: the police authorities shall immediately inform the Office of the initiation and conduction of inquiries into the criminal offences referred to in the Article 21 hereof which came to their knowledge, and the Office shall upon its own appraisal get immediately involved, executing its powers of initiation and direction of inquiries into criminal offences (Article 42 paragraph 2, subparagraphs 1, 2 and 3 of the CPA). The Office shall especially take into consideration urgent inquiries and investigatory actions and provisional measures securing seizure of pecuniary benefit. It shall consult with the police authorities and the Ministry of Finances regarding the undertaking of these measures.

(2) The Chief of Police at the Ministry of Interior shall organize central collecting, storing and processing of information relevant for the institution and conduction of criminal proceedings for the criminal offences referred to in the Article 21 hereof, especially those concerning the identity, nature, composition, structure, location and activities of the group or criminal organization; relations with other groups or criminal organizations and criminal offences committed by the group or criminal organization and its member or participant. The Office may in real time access by computer the central register of this information.

Article 21 d

If police authorities' or the State Attorney's Office's inquiries show that there are indications of organized crime in the criminal offences of fraud, including economy fraud and insurance fraud, criminal offences violating intellectual property rights, criminal offences of money laundering, malpractice in bankruptcy proceedings, evasion of tax and other levies, abuse of authority in economic business operations, illicit trade, avoiding customs control and other criminal offences committed with the aim of acquiring considerable pecuniary gain, the Office shall ask from the competent administrative organizations of the Ministry of Finance (Tax Administration, Financial police, Custom Administration, Foreign Exchange Inspectorate, Money Laundering Prevention Department) request to check the business operation of a legal entity and natural person and to temporarily seize money, securities, items and documents that may serve as evidence and request information on the information gathered, processed and stored concerning unusual and suspicious financial transactions. In its request, the Office may specify the content of the measure or action required and require to be informed thereof, so that the Head or the deputy head could presence them. The failure to act on the request or longer non-compliance with the Office's request shall constitute aggravated violation of the official or working duty.

Article 21 e

(1) In case of suspected money laundering, the Money Laundering Prevention Department shall :

1. inform the Office about any means, proceeds or assets it has got the knowledge of in any way, if its is reasonable to assume that it was acquired through the commission of criminal offences referred to in the Article 21 hereof,

2. request from persons obligated to enforce the measures for the prevention of money laundering all data at their disposition on transactions and parties and within three days deliver these data to the Office.

(2) Upon request of the Office, the Money Laundering Prevention Department is obliged to provide all available data on the transactions of suspects suspected of money laundering, and execute necessary checks in order to establish the existence of such transactions.

(3) The state inspectors authorised for temporary seizure or securing of suspicious items, means or assets shall, with the information to the Office, enclose the minutes of the action taken and the transcript of the decision on the seizure or securing.

Article 21 f

(1) The competent executing judge (Article 43 of the Law on the Execution of Prison Sentence) shall forward to the Office all rulings in the procedure for the infliction of imprisonment against the person convicted for the criminal offences referred to in the Article 21 hereof.

(2) Upon receipt of the ruling on committing the defendant to serving a prison sentence, the Office may deliver to the Prison in Zagreb – Department for psychosocial diagnostics and the Imprisonment System Administration' s Central Office an opinion on the convicted person's connection with other members of the criminal organization, which shall be used for drawing up the individual program of the infliction of imprisonment and while deciding on the penitentiary or the prison where the sentence is going to be inflicted

(3) The administrator of the penitentiary or prison shall inform the Office of all relevant information on the person convicted for the criminal offences referred to in the Article 21 hereof, which came to his knowledge during the infliction of imprisonment.

III. JURISDICTION AND COMPETENCE OF COURTS AND CRIMINAL PROCEEDINGS PROVIDED HEREUNDER

Article 22

(1) In the criminal proceedings from Article 21 hereof, the Criminal Procedure Act shall be applied (*Official Gazette* No: 110/97, 27/98, 58/99, 112/99, 58/02 and 143/02) as well as other general criminal proceedings regulations, unless provided otherwise hereunder.

(2) In proceedings for criminal offences referred to in the Article 21 hereof the provisions of the Chapter XXV of the CPA shall not apply.

Article 23

- (1) The bodies that participate in the criminal proceedings from Article 21 hereof shall proceed expediently, but in the way that does not affect their capability to investigate, with equal attention, the facts to benefit or prejudice of the accused.
- (2) Information on preliminary investigation in cases from Article 21 hereof shall not be published without the approval of the Head. Non-authorized publication shall constitute a criminal offence of disclosing official secret from Article 351 from the Criminal Code.
- (3) The course of investigation in the cases from Article 21 hereof shall not be published without the approval of the court.

Article 24

- (1) The County Courts in Osijek, Rijeka, Split and Zagreb have subject-matter and territorial jurisdiction in criminal cases from Article 21 hereof, unless otherwise prescribed by this Law.
- (2) The County Court in Osijek shall have jurisdiction over the territories of the County Courts in Požega, Slavonski Brod, Virovitica and Vukovar. The County Court in Rijeka shall have jurisdiction over the territories of the County Courts in Gospić and Pula. The County Court in Split shall have jurisdiction over the territories of the County Courts in Dubrovnik, Šibenik and Split. The County Court in Zagreb shall have jurisdiction over the territories of the County Courts in Bjelovar, Čakovec, Koprivnica, Karlovac, Sisak, Varaždin, Velika Gorica and Zlatar.
- (3) A Court from para 1 above shall be competent to try the cases of participation in criminal offences from Article 21 hereof, as well as in the case of concurrence with other criminal offence.
- (4) If several persons are accused for several criminal offences referred to in the Article 21 hereof and other criminal offences, and there is a connection between the perpetrators of criminal offences, a unique procedure shall be conducted before the court referred to in the paragraph 1 above.

Article 25

- (1) In Remand Centres of the County Courts in Osijek, Rijeka, Split and Zagreb, special Investigation Departments shall be established to investigate the criminal offences from Article 21 hereof. The Departments shall be composed of investigating judges with the experience and pronounced capabilities for investigating most severe and complex forms of criminal offences, and graduate criminal assistants (Article 192, para 4 of the Criminal Procedure Act).
- (2) Investigating judges shall be assigned for a period of four years by the President of the Court with the opinion of the panel of judges; a graduate criminal assistant shall be assigned at the proposal of the Head of the Investigation Department.
- (3) In the procedure of assignation to work and termination of work of investigating judges and graduate criminal assistants, provisions of Article 3, paras 6 through 8 hereof shall apply accordingly.

Article 26

At substantiated proposal of the president of a County Court from Article 24, para 1 hereof, the Supreme Court of the Republic of Croatia may decide that the trial be held before another County Court or Municipal court in the seat of that County Court, if it is obvious that this will facilitate the proceedings or for other important reasons.

Article 27

- (1) The panels of the County Court that tries the cases from Article 21 hereof shall be composed of three judges.
- (2) The judges referred to in the paragraph 1 above cited in courts referred to in the Article 24 paragraph 2 hereof shall be assigned to the panels by the president of that County Court for a period of four years, with the previous opinion of the Panel of Judges from among the judges experienced in working on complicated cases.
- (3) The judges referred to in the paragraph 1 above cited in Municipal Courts whereto the case has been allocated by the decision of the Supreme Court in accordance with the provision from the Article 26 hereof, shall be assigned by the president of that court from among the judges experienced in working on complicated cases.
- (4) The prosecution before the courts whereto the case has been allocated by the decision of the Supreme Court in accordance with the provision from the Article 26 hereof, shall be represented by the Office or the State Attorney's Office assigned by the State Attorney General, at the proposal from the Head of the Office.

Article 28

- (1) The custody for arrested persons from Article 98 of the Criminal Procedure Act shall be extended to 48 hours.
- (2) The total duration of custody from the above proceedings, in case of prolonged investigation (Article 204, para 1 of the Criminal Procedure Act) may be twelve months.
- (3) If the custody during investigation is prolonged pursuant to para 2 above, the total duration of custody from Article 109 of the Criminal Procedure Act shall be prolonged by six months.

Article 29

- (1) State Attorney General may request from the court from Article 24, para 1 hereof, to issue a decision to examine as witness the person who became a member of criminal organisation and:
 1. who has been reported or against whom criminal proceedings from Article 21 hereof have been initiated for an offence committed within a criminal organisation, and if circumstances are provided on the basis of which, according to the Criminal Code, the member of criminal organisation may be exempted from sentence, or extenuating circumstances are provided on the basis of which the sentence may be lenient.

2. if the statement of such person is proportional to the severity of the criminal offence committed and the relevance of the statement of such person to disclosure and proof of the criminal offences committed within a criminal organisation, or their perpetrators, or for disclosure and prevention of criminal offences of the criminal organisation.
- (2) The State Attorney may file the request from para 1 at the substantiated proposal of the Head until the setting of the date for the hearing in the criminal proceeding against the members of a criminal organisation from para 1 above.

Article 30

- (1) Prior to filing a request, the Head shall warn the person from Article 29 above pursuant to the provision of Article 238, para 2 of the Criminal Procedure Act.
- (2) After the person from Article 29, para 1 hereof has stated that, with regard to the criminal offences from Article 29, para 1 hereof, he or she shall answer as a witness to the questions although it is probable that he or she may expose himself or herself or a close person to a great shame, substantial property loss or criminal prosecution, the Head shall obtain a written statement by which such person shall undertake to:
1. speak the truth, as a witness in criminal proceedings, and not to withhold any information known to him or her about the criminal offence or its perpetrator from Article 29, para hereof,
 2. speak the truth, as a witness in criminal proceedings, and not to withhold any information known to him or her about other criminal offence and its perpetrator from Article 29 para 1 hereof
 3. speak the truth, as a witness in criminal proceedings, and not to withhold any information known to him or her about the property or any other benefit or proceeds, objects, acquired real estate or other circumstances related to criminal offences from Article 29, para 1 hereof.
 4. to state that he or she is not familiar with any other circumstances from subpara 1 through 3, para 2 of this Article, apart from those he or she is to state as witness.
- (2) The warning and statement from paras 1 and 2 of this Article shall be entered into the Minutes attached to the proposition of the Head from Article 29, para 2 hereof.

Article 31

The offender to whom circumstances from Article 29, para 1 hereof apply, may not be examined as witness if such offender:

1. has committed one or more murders from Article 90 of the Criminal Code, aggravated murder from Article 91 of the Criminal Code, an act of international terrorism from Article 169, para 2 of the Criminal Code, endangering the safety of internationally protected persons from Article 170, para 2 of the Criminal Code, taking hostages from Article 1717, para 2 of the Criminal Code, hijacking an aircraft or a ship from Article 179, para 2 of the Criminal Code, piracy at sea and in the air from Article 180, para 2 of the Criminal Code, rape from Article 188, paras 2, 3 and 4 of the Criminal Code, sexual intercourse with a helpless person from Article 189, paras 2, 3 and 4 of the Criminal Code and sexual intercourse with a child from Article 192 of the Criminal Code.
2. is organiser of criminal organisation
3. instigated commission of a crime from Article 21 hereof with the purpose of having the criminal procedures instigated against that person for that offence committed.

Article 32

- (1) State Attorney General shall submit to the court from Article 24, para 1 hereof the request for issuing a decision on examining a person from Article 29 para 1 hereof.
- (2) The panel of the competent court from Article 20, para 2 of the Criminal Procedure Act shall decide on the request of the State Attorney General within eight days.
- (3) The panel shall decide on the request on the basis of documents and other written evidence. If necessary, it shall invite to its session the State Attorney General, and the person from Article 29, para 1 hereof, and its attorney, if any. The State Attorney General may authorise the Head to participate in the session. The session is held in camera.
- (4) The panel may make its decision conditional upon the possibility that the Republic of Croatia compensates the persons to whom the person from Article 29, para 1 hereof caused damage with his or her criminal offences as a member of criminal organisation.

Article 33

- (1) The Panel shall reject the request of the State Attorney General mentioned in Article 29 para 1 hereof, if:
 1. it has been submitted after setting the date for the main hearing (Article 29 para 2),
 2. the statement of the witness mentioned in Article 29 para 1 hereof is not in the interest of discovering and prosecuting other members of the criminal organisation.
- (2) The Panel may reject the request of the State Attorney General if it is not probable that the witness mentioned in Article 29 para 1 hereof will make a full circumstantial statement in the criminal proceedings, or if it is probable that the witness will deny the information important for discovering or preventing other criminal offences and members of the criminal organisation or for the shedding light on the circumstances under which they were committed.
- (3) The State Attorney General may appeal against the decision of the Panel within 49 hours. The Supreme Court of the Republic of Croatia shall decide on the appeal within 3 days.

Article 34

- In a decision accepting the request of the State Attorney General, the Panel shall:
1. allow that the person indicated in the request be interrogated as witness in the criminal proceedings (crown witness).
 2. order that the minutes and official notes of such person related to his or her earlier statements made as a suspect or accused, if any, be separated from the court records. Such statements, as well as other evidence they led to, cannot be used as evidence in the criminal proceedings.

Article 35

With a decision accepting the request of the State Attorney General, the Panel shall decide on the exclusion of the public from the part of the main hearing in the criminal proceedings against the members of criminal organisation when the crown witness is being interrogated.

Article 36

- (1) The crown witness who made a statement in accordance with the obligations mentioned in Article 30, paras 1 and 2, hereof, cannot be prosecuted for the criminal offence mentioned in Article 21 para 1 subparas 2 and 3, and para 2, hereof.
- (2) The crown witness shall be held responsible for perjury provided in Article 303 of the Criminal Code.
- (3) If the State Attorney General has not already dropped the charges against the crown witness, the State Attorney General shall declare the waiver of the prosecution by the final completion of the criminal proceedings against the members of criminal organisation.

Article 37

The provisions of Article 36 hereof shall not be applied and the State Attorney shall resume the prosecution or initiate the criminal proceedings if:

1. the crown witness has not stated all the facts and circumstances referred to in Article 30 para 2 hereof, or if the witness made a false statement,
2. prior to the completion of the criminal proceedings the crown witness committed a new criminal offence mentioned in Article 21 and Article 31 hereof,
3. the crown witness within two years from the decision mentioned in Article 34 hereof becomes a member of the criminal organisation and within it commits the criminal offence mentioned in Article 21 hereof.

Article 38

(1) In regard of the interrogation of the crown witness, the provisions of the Criminal Procedure Act shall apply, except Article 236 of the Act for the criminal offences referred to in Article 29 para 1 hereof.

(2) The measures for the protection of the crown witness and persons close to him outside of the criminal proceedings shall be conducted pursuant to special regulations.

Article 39

For the purpose of gathering the necessary information on the criminal offences from within their jurisdiction (Article 21 hereof), the Office may summon citizens and take their statements, and request the investigation into criminal offences as provided by the Criminal procedure Act. The statements of the suspects gathered by the Head in the manner provided in Article 177 paras 4 and 5 of the Criminal Procedure Act may be used as evidence in the criminal

proceedings. The Office may not investigate simultaneously with the investigation that is already underway with regard to a particular individual, but with the purpose of proposing each investigatory action can have an informative interview with citizens.

Article 40

If the police authorities initiate ex officio investigation into criminal offences mentioned in Article 21 hereof, they shall promptly inform the Office about it, and the Office may act pursuant to the provision of Article 39 paras 1 and 3. If after the investigation the Office returns the criminal charge to the police for supplement, the Office shall indicate the measures and actions to be undertaken by the police authorities in this sense, and within what time. A failure to comply with the requested measure and exceeding the set deadline shall be particularly substantiated by the police authorities.

Article 41

(1) At the request of the Head, or ex officio, the investigative judge may, besides the measures referred to in Article 180 para 1 of the Criminal Procedure Act against the person for whom there is ground for suspicion that he/she alone or with others plans criminal offences referred to in Article 21 hereof - and the extent of the elaboration of such plans and the connections among such persons indicate that they pose a serious threat to the legal system - order the measures of supplying simulated professional services or concluding simulated legal transactions, if the police authorities cannot reveal, prevent or prove such criminal offence in any other way, or if this would entail difficulties that would be out of proportion.

(2) Substantiated writ ordering the measure and including the available information on the person against whom the measure is to be implemented, description of the criminal offence, the manner, scope, venue and duration of the measure that shall be consistent with reaching the goal of the measure, may be extended three months into its implementation by the same period if justified by the circumstances that surfaced subsequently.

(3) This is to be decided by the Panel mentioned in Article 20 para 2 of the Criminal Procedure Act, particularly taking into account whether the reached goal of the measure is consistent with the restriction of personal rights of the citizen, or whether the same results could be reached in another, less drastic investigative actions and measures.

Article 42

(1) The measures referred to in Article 41 hereof shall be carried out by the police authorities. The police shall prepare daily reports and document technical recording to be forwarded to the investigative judge and the Director at his request.

(2) After the expiry of the measure, the police authority shall prepare a special report for the Office and the investigative judge noting:

1. the beginning and completion times of the measure;
2. number and description of the activities of the implementing officers
3. number and type of the technical facility involved;
4. number and identity of the persons involved;

5. type of criminal offences referred to in Article 21 para 1 hereof, whose commission was prevented through the implementation of the measure;
6. brief evaluation of the question to what extent the implementation of the measure contributed to reaching its goal, or did the goal remain unattained.

(3) With the special report, the police authorities shall forward to the Office the gathered documentation including photographs, videotapes, audio or electronic recording.

(4) The implementation of the measure of undercover investigators includes the right of the undercover investigator to enter someone's home if the conditions provided by law for the police entering a home without warrant are fulfilled.

(5) If besides the conditions mentioned in Article 41 hereof there is evidence to support justified suspicion that due to the planning of the criminal offences referred to Article 21 para 1 subparas 2 and 3 hereof particularly grave criminal offences will be committed, or that some of them have already been committed, the investigative judge may order that the undercover investigator, beside entering someone's home, may also use technical facilities to record non-public conversations.

(6) The Office shall note on its file, and the investigative judge will note on his/her file any measure referred to in this Article that has not been recalled because its goal was not reached.

(7) The implementation of the measures shall cease ex officio as soon as the reasons for which they were ordered are no longer available. If six months into the implementation of the measures the Office does not bring action against the offenders mentioned in Article 21 para 1 hereof, all information gathered through the measures shall be destroyed and the persons to whom such information relates, if their identities are known and they are within the jurisdiction of the court, shall be informed about the implementation of the measure.

(8) No decisions in the criminal proceedings may be based on the information gathered through the implementation of the measures undertaken in contravention of the provisions of paras 1, 2, 4, and 5 of this Article.

Article 42 a

(1) As soon as it learns about the probability of a certain person receiving, holding or in other way dealing on his bank accounts with the proceeds obtained in consequence of the commission of a criminal offence referred to in the Article 21 hereof, those proceeds being important for the inquiries and the investigation of those criminal offences or being subject to the forcible seizure according to the provisions of the Criminal Code, Criminal Procedure Act and the Law on Liability of Legal Entities for Criminal Offences, the Office shall request from the bank to deliver information on these bank accounts (Article 234 paragraph 3 of the CPA). The request shall contain information from the Article 51 paragraph 1 hereof, but the exact amount of means, proceeds and assets obtained in consequence of the commission of criminal offences does not need to be indicated, if it is not yet fully known.

(2) The bank is obliged to deliver the information contained in the Office's request within the term stated in the request. If the bank does not act upon request, the Office shall ask the investigating judge to decide on the request.

(3) The investigating judge shall upon the receipt of the Office's request immediately decide or shall ask the panel referred to in the Article 20 paragraph 2 of the CPA to promptly render a decision. The decisions shall immediately be delivered to the Office which has the right to file an appeal against the decision of the investigating judge or the panel within 48 hours from the receipt of the decision.

(4) A decision from the panel from the paragraph 3 above and an order from the investigating judge may oblige the bank to deliver to the Office information on the state of accounts of the person referred to in the paragraph 1 above, to monitor the transactions on the account of a certain persons, and, during the period set out in the decision or the order for the monitoring of transactions, to regularly report to the Office on the transactions conducted on the monitored account.

(5) For the non-compliance with the order from the investigating judge or the decision from the panel from the paragraph 4 above, the responsible person in the bank shall be punished by a fine going from 5.000,00 to 20.000,00 HRK, and if after this he still does not comply with the order or the decision, imprisonment until the compliance with the order or the decision, but not exceeding one month, may be pronounced. The County Court panel from the Article 20 paragraph 2 of the CPA shall decide on the appeal against the order imposing the fine or the imprisonment. The appeal against the imprisonment order does not stay the execution of a ruling.

(6) Upon issuing the order to the bank referred to in the para 4 above, the investigating judge may, at the Office's request, summon and interrogate the members of the bank's bodies, shareholders, employees and all other persons having access to confidential data, with the purpose of collecting information on the circumstances the bank learned while providing services and dealing with individual clients.

Article 42 b

(1) As an official person of the police authorities, the undercover investigator may be interrogated as a witness on the content of his conversations with the persons against whom the measure of temporary restriction of the constitutional rights and freedoms from the Article 190 paragraph 1 subparagraph 4 and 5 of the CPA and the Article 42 hereof was ordered, and with all participants in the criminal offence for the discovering and proving of which that measure was ordered, if there is concern that those persons would not give statements at the trial for factual or legal reasons.

(2) In the case referred to in the paragraph 1 above, the Head of the Office shall immediately ask from the investigating judge for the interrogation as a witness of the undercover investigator, pursuant to the provision of the Article 197 of the CPA, along with the simultaneous motion for the undertaking of this action by a special manner of participation and examination of a witness in the proceedings (Article 251 of the CPA).

(3) The records from the hearing for a special manner of participation and examination of a witness in the proceedings may be used:

1. in the proceedings for rendering the decision on the securing of forcible seizure of means, proceeds or assets obtained by the commission of a criminal offence referred to in the Article 21 of this Law,

2. in criminal proceedings where the first instance court validly determined that the person against whom the measure from the paragraph 1 above was ordered had committed some other criminal offence besides the ones referred to in the Article 21 hereof.

Article 43

If the investigation does not end within six months, the president of the court shall, after receiving the report from the investigative judge on the reasons why the investigation has not been completed, undertake measures for the completion of the investigation, and if there are important reasons the president of the court may order that the investigation be extended for another six months and that a part of the remaining investigative activities in the case should be carried out by one, and the other part by another investigative judge.

IV. SECURING THE MEANS, PROCEEDS OR ASSETS RESULTING FROM CRIMINAL OFFENCES

Article 44

(1) The provisions in this section regulate the procedure in which the Office and the courts, with previous or provisional measures (securing measures), secure the means, proceeds or assets resulting from the criminal offences mentioned in Article 21 hereof.

(2) The procedure referred to in paragraph 1 above does not constitute criminal proceedings, and it includes adequate implementation of the provision of the Seizure Act (Official Gazette of the Republic of Croatia No. 57/96 and No. 29/99), unless specified otherwise herewith.

(3) The securing of the means, proceeds or assets referred to in para 1 above shall be carried out pursuant to the provisions for the seizure of proceeds included in the Criminal Procedure Act.

Article 45

The following terms used in this section shall mean:

1. «means» - any item used or intended for use, in any way, wholly or partly, to commit one or more criminal offences, or an item resulting from criminal offence;
2. «proceeds» - any benefit acquired by committing criminal offence;
3. «assets» - real estate, property titles, money, and movables;
4. «account» - business form related to which a bank or other financial institution carries out transactions involving money or other legal tender, permitting its depositing or withdrawal for another person's account;
5. «proposing party» - the Office that initiated the proceedings for the seizure of the means, proceeds or assets;
6. «opponent» - the person whose means, proceeds or property are seized on behalf of the national budget.

Article 46

- (1) The procedure for seizing the means, proceeds or assets referred to in

Article 44 para 1 hereof shall be conducted by, and the decision on securing issued prior to the start of the criminal proceedings shall be the responsibility of an individual judge of a court mentioned in Article 24 hereof. A Panel of three judges of the same court shall decide on the appeal against the individual judge's decisions.

(2) The court of jurisdiction for the implementation of the securing measure shall be the court within whose jurisdiction the implementation of seizure would normally fall.

(4) After the start of the criminal proceedings, the court before which the proceedings are conducted shall be responsible for deciding on the extension of the period of time for which the securing measure was ordered. The court within whose jurisdiction normally fall disputes following the seizure, shall be the court of jurisdiction for the securing measure.

(5) The Office may propose that the securing measure be implemented by another court with subject-matter competence and territorial jurisdiction if it is obvious this will facilitate the conducting of the procedure or for other important reasons.

Article 47

(1) Securing of the means, proceeds or assets referred to in Article 44 para 1 hereof shall be initiated ex officio by the Office. During the procedure, the honour and dignity of the opponent shall be observed, and the public shall be barred until the decision on the securing measure mentioned in Article 51 para 2 hereof has become final.

(2) The procedure shall be urgent, and it may be initiated prior to the criminal proceedings.

(3) In the proceedings, the court shall act on the submissions and other written acts, hold hearing for the passing of decision on the seizure or securing, as well as other hearings when appropriate. The failure of the opponent to appear at the hearing shall not prevent the holding of the hearing.

(4) Out of the hearing, the court shall hear a party when it considers it necessary.

Article 48

Deleted

Article 49

(1) Prior to the request referred to in Article 51 para 1 hereof, the Office may gather the necessary information from the citizens.

(2) Disputed value of assets shall be established by an expert witness pursuant to the provisions of the civil lawsuit procedure for securing evidence.

(3) The natural person who holds the documents and evidence of the sources of income and proceeds from whatever title must submit them to the Office if it is likely that on their basis any means, proceeds or assets resulting from or related to organised crime could be identified, located and their quantity determined. If such person does not do so, the Office shall

request the court to issue the order referred to in Article 218 para 2 of the Criminal Procedure Act against such person.

Article 50

(1) The court shall, at the proposal of the Office, order the securing measure of the seizure of the means, proceeds or assets resulting from the criminal offence referred to in Article 21 hereof if:

1. there is ground to suspect that the means, proceeds or assets resulted directly or indirectly from the criminal offence referred to in Article 21 hereof;
2. the value of such the means, proceeds or assets does not exceed HRK 100,000; and
3. there is ground to suspect that the offender mentioned in Article 21 hereof shall prior to the start of the criminal proceedings, or during the criminal proceedings, prevent or make significantly difficult the seizure of such means, proceeds or assets resulting from a criminal offence referred to in Article 21 hereof.

(2) As a securing measure referred to para 1 above, the court may specify one or more measures provided in the Seizure Act, specifically:

1. lien note on the property of the opponent or on the title to a property;
2. which of the securing measures of the seizure of property not registered in the Land Register, attachment or custody or management of the movables, money claims, income from the employment or service agreement, and all other property or material rights, as well as attachment of the share certificate and other securities of the opponent;
3. barring a bank or other legal entity licensed for payment transactions from paying the opponent or a third party under the instructions from the opponent and from the opponent's account an amount for which the securing measure has been ordered.

(3) The securing measures referred to in para 1 above shall be ordered to the benefit of the Republic of Croatia or the legal entity specified by the Minister of Justice.

(4) Any action of the opponent in contravention of the measure ordered shall have no legal effect.

(5) If there are grounds for concern that the forcible seizure of proceeds referred to in the Article 42 a paragraph 1 hereof could not be secured or it would be accompanied by great difficulties, the investigating judge shall issue an order to the bank for the barring measure referred to in the paragraph 2 subparagraph 3 above. The barring shall become effective by the issuance of the order and shall last until the rendering of the decision on the securing measure of forcible seizure of the means, proceeds or assets resulting from the criminal offence referred to in the Article 51 paragraph 2 hereof.

Article 51

(1) The Office's request for initiating the proceedings referred to in Article 44 para 1 hereof shall include:

1. facts of the criminal offence and its legal name;
2. description of the means, proceeds or assets resulting from the Article 21 hereof;

3. information about the legal entity of natural person holding such means, proceeds or assets;
4. reasons for suspicion that they are directly or indirectly connected to the criminal offences referred to in the proposal, and it is likely that the opponent will prevent or make substantially difficult the seizure of the assets, means or proceeds resulting from the criminal offences referred to in Article 21 hereof.

(2) The court shall order the securing measure referred to in Article 50 hereof immediately, but no later than twelve hours from the receipt of the proposal submitted by the proposing party. In the decision specifying the securing measure, the court shall note the value of the means i.e. the amount of the proceeds or the benefits gained from criminal offence at the time for which such measure is ordered.

(3) In its decision, the court may provide that the securing measure shall not apply to a part of the proceeds or assets to which the rules on the protection of honest holder may apply.

(4) The decision shall remain in force until the expiry of the twenty-first day from its issue, until the decision on the appeal, or until the issuing of the decision of the criminal court on the seizure of the gainful proceeds resulting from the criminal offence.

(5) A decision on ordering the securing measure, with the statement of reasons, shall be served to the opponent, the bank and other persons involved in the payment transactions, as well as other government agencies as appropriate.

(6) As of the date of the opening of bankruptcy proceedings against the opponent, the value of the means or the amount of the proceeds or benefits resulting from the criminal offence referred to in the decision mentioned in para 2 above shall be deemed outstanding and shall be excluded from the assets to cover creditors' claims.

Article 52

(1) By the expiry of the period specified in Article 51 para 4 hereof, the court shall hold the hearing to confirm the decision issued. The failure of the opponent to appear shall not prevent the holding of the hearing.

(2) After hearing the parties, the court shall repeal or confirm the decision on the securing measure.

(3) The court shall repeal the securing measure if:

1. the opponent makes it likely that the value of the means, proceeds or assets referred to in Article 50 para 1 subpara 2 does not exceed HRK 100,000;
2. the opponent, by virtue of authentic documents, proves that the sources of his means, proceeds or assets are legal;
3. the opponent makes it likely that the means, proceeds or assets are not the ones referred to in Article 50 para 1 hereof, and that they were not gained, wholly or partly, by hiding the source of illegally gained means, proceeds or assets, or that there is no risk that the opponent will prevent or make substantially difficult the seizure of the assets, means or proceeds.

(4) If the decision is confirmed, the court shall extend the period for which the securing measure was ordered by six months, taking into account how serious the criminal offence is, the risk that without the securing measure the seizure of the proceeds of the criminal offence would prevent or be made substantially difficult, and the income scales of the opponent and the persons whom the opponent must support pursuant to law.

(5) The total extension shall not exceed one year.

(6) If until the expiry of the period referred to in Article 51 para 4 hereof criminal proceedings are initiated, the court shall inform the injured party about the hearing in a summons including his/her right to a property claim. At the hearing the injured party may propose that a provisional securing measure be ordered pursuant to the provisions applicable to seizure.

Article 53

The Parties may appeal against the decision referred to in Article 51 para 2, and Article 52 para 2 hereof within three days from the date of its issue. If pursuant to the opponent's appeal against the decision on the securing measure referred to in Article 50 hereof the court repeals the decision, the court may issue an order to the legal entity licensed for payment transactions to deny the opponent or a third party payment on the order of the opponent of an amount from the account affected by the securing measure.

Article 54

No later than three days prior to the expiry of the period for which the measure was ordered, the court shall decide on its extension if the circumstances for which it was ordered have not changed.

Article 55

(1) At the proposal of the opponent, the judge shall repeal the securing measure if the criminal proceedings against the opponent have not been initiated or have not started within one year from ordering the securing measure.

(2) The decision on repealing the measure shall be forwarded ex officio to the persons referred to in Article 45 subpara 7 hereof.

(3) In such case, the opponent may claim damages from the proposing party pursuant to general regulations.

Article 56

(1) The seizure of the means, proceeds or assets resulting from criminal offence referred to in Article 21 para 1 subparas 2 and 3 hereof may in the Republic of Croatia be ordered and carried out pursuant to the terms provided in treaties and herein.

(2) The request by foreign courts shall be decided on by the competent court, while the requests by other government agencies considering the provision of information on the seizure of the means, proceeds or assets resulting from criminal offence, shall be decided on by the Head.

V. CLASSIFIED INFORMATION

Article 57

(1) The Head and his/her deputies, as well as all other employees of the Office, court, police and other bodies participating in carrying out particular activities requested by the Office, shall not disclose the classified information specified by law, notwithstanding the manner in which they came to their knowledge.

(2) Besides the information specified as classified by the Law on the State Attorney's Office, the classified information shall also include any piece of information or document in the preliminary investigation.

Article 58

(1) All files, documents and minutes of the investigative activities conducted during the preliminary investigation shall be marked as classified pursuant to the provisions of the Data Security Act.

(2) The Head may, for justified reasons, at any time order that individual file of the preliminary investigation should be specially kept secret and that the content of such file may only be disclosed to the specified Deputy Head.

(3) The file referred to in the above paragraph may only be disclosed to other employees of the Office to the extent necessary for their performance.

(4) The work of other employees on such file shall be separately recorded as provided by the Internal Rules.

(5) For the purpose of protecting classified information, the Head may order that in the preliminary investigation such file be entered in the registers and other records under a code name.

VI. FUNDS

Article 59

(1) The funds for the payment of salaries of the officers and employees shall be provided pursuant to law.

(2) Judges, the Head and his/her deputies, shall be entitled to a bonus provided by a Government decision, and to insurance period add-ons to the effect that every 12 months of effective work shall be counted as 16 months of insurance.

Article 60

(1) The funds necessary for the functioning of the Office shall be provided from the national budget of the Republic of Croatia pursuant to the provisions of the Law on the State Attorney's Office.

(2) Besides the purposes specified in the Law on the State Attorney's Office, the special purpose funds also include:

1. witness protection funds, unless they are not specifically determined in the Law on the protection of witnesses,
2. outsourcing funds (expert witnesses etc.).
3. funds for special needs.

Article 61

The funds for standard technical equipment and working space shall be provided from the national budget.

Article 62

The financial and material accounting of the Office shall be conducted as provided for public prosecutors' offices.

VII. TRANSITIONAL AND CONCLUDING PROVISIONS

Article 63

Personal protection, including the Office employees, protection of other possible targets, terms and programs of security measures, and the possibility of reciprocally exchanging persons under protection with other countries, shall be regulated by a separate law.

Article 64

Until the adoption of the systematisation of posts and jobs pursuant to Article 6 para 1 hereof, the provisional systematisation shall be determined by the Minister of Justice within six months from the date of the entry into force hereof.

Article 65

Until the issuing of specific Office Operation Rules, the State Attorney's Office Rules of Procedure shall apply (Official Gazette of the Republic of Croatia No. 13/2000).

Article 66

Articles 29 to 38 hereof shall be applicable six years from the date of the entry into force hereof.

Article 67

The Minister of Justice shall issue the regulations he is authorised to issue pursuant to this Law within six months from the date of its entry into force.

Article 68

The criminal proceedings for the offences referred to in Article 21 hereof which have taken legal effect by the date of the entry into force of this Law shall be continued and completed pursuant to the Criminal Procedure Act.

Article 69

Until the Office is fully staffed, the duties of the officers and employees of the Office shall be performed by the officers and employees of the State Attorney's Office.

Article 70

This Law shall enter into force on the eighth day from the date of its publication in the Official Gazette of the Republic of Croatia.