



**REPUBLIC OF CROATIA
MINISTRY OF JUSTICE**

Sector for mutual legal assistance

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Conference "e-Justice without Barriers"

Prague, 17 & 18 February 2009

Legal and practical issues of transborder video conference

- Croatian experience -

Introduction

Development of mutual legal assistance in Europe, particularly in EU, envisages the use of modern communication technology. Having in mind the position of the Republic of Croatia in SEE as a crossroad of smuggling channels of human beings, drugs and other illicit items, increasing demand for transborder video conference does not surprise.

The video conference hearings have an impact on efficiency and duration of the court proceedings and help Croatian judiciary to be considered as a reliable partner in fighting the transborder crimes.

Themes of presentation

Presentation contains brief overview on national legislation in regard video hearing before Croatian courts namely provisions of Juvenile Courts Act and Criminal Procedure Act from 2002 in which the video link testimony has been introduced for the first time. Those provisions and practice in using technical video devices based on them open the door for transborder video conference hearings.

Next topic relates to legal framework for video conferencing within the Republic of Croatia i.e. instruments of Council of Europe convention and protocols and principle of reciprocity as well. Also the provisions of national law which give basis for video conferencing will be presented.

Follows the presentation of institutional framework in Croatia, i.e. of the competent bodies: central authority which is Ministry of Justice and executing bodies – five county courts equipped with the adequate technical devices.

There are few examples of practical experience in using the video links (ex.: war crime cases, hearing in extradition cases, international crime cases). The explanation is given why the video conference is not yet in use for civil and commercial matters.

Since the video conference is rather new tool of mutual legal assistance it deems useful to share experience on several challenges which occur in the practice like: making judges comfortable in using this modern tool, scheduling, compatibility of the video gears, providing interpretation, costs.

Aide memoir

To help the practitioners in providing as well in requesting the video conference hearing the aide memoir was drawn up. In the manual this mutual legal assistance tool was clarified from legal and practical point of view. Following the aide memoir the workshop was organised in cooperation with Judicial Academy and the aide memoir was widely distributed, hopefully with good impact.

European Judicial Network

Being the candidate country for EU the Republic of Croatia has the access to the European Judicial Network. The contacts establish thru EJM are used in facilitating the agreements on practical issues for some particular video conference hearing. In the Ministry of Justice two contact persons for EJM are entrusted for helping domestic as well as foreign judges/practitioners to perform the video conference.

Resume:

- ♦ there is existing legal framework – domestic, international
- ♦ the establish institutional framework is functional
- ♦ good practical experience
- ♦ challenges still to be overcome (civil, commercial matters, mobile gear)
- ♦ aide memoire – experience to share (workshops, seminars)
- ♦ great help thru EJM contacts
- ♦ **CONCLUSION:**
 - useful, time and money saving tool of mutual legal assistance.

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