

E-JUSTICE CONFERENCE
LEGAL & PRACTICAL
ISSUES OF TRANSBORDER
VIDEO CONFERENCE
Croatian experience



Prague, 17 & 18 February 2009

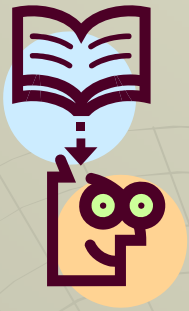




THEMES OF PRESENTATION


- ❖ **Genesis**
- ❖ **Legal framework**
- ❖ **Institutional framework**
- ❖ **Practical issues**





GENESIS

 **2002 Juvenile Courts Act**
video hearing of juvenile victims/witnesses

 **2002 Criminal Procedure Act**
video hearing of victims/witnesses with
disabilities and protected witnesses

 **open the door for transborder video
conference**



LEGAL FRAMEWORK – 1

for hearing the by video conference

- ✓ **European Convention on Mutual Legal Assistance of 20 April 1959 & both protocols**
- ✓ **Principle of reciprocity**
- ✓ **(Croatian) Act on mutual legal assistance in criminal matters of 16 December 2004**
- ✓ **(Croatian) Criminal Procedure Code**

LEGAL FRAMEWORK –2

character of hearing the by video conference

In Croatia – Criminal Procedure Code

- !** out of main hearing
- !** with presence of parties
- !** introduced as evidence (reading or reproducing in the main hearing)



EXCLUDING PROVISION



For hearing the accused person or the suspect the video conference

👉 DOES NOT APPLY!

(the declaration of the Republic of Croatia in regard of Art.9 para 8 of the Second additional Protocol to MLA Convention)



INSTITUTIONAL FRAMEWORK

- ✓ **Receiving and transmitting central body**
 - **Ministry of Justice** –
- ✓ **Executing bodies (incoming requests)**
 - **5 county courts** –
(investigative judges)





PRACTICAL EXPERIENCE – 1

- 👉 **war crime trials
(most of cases)**
- 👉 **transborder crime**
- 👉 **extradition case**
- 👉 **not for civil and commercial matters (yet)**

PRACTICAL EXPERIENCE -2

- **on the basis of the Second additional protocol to MLA Convention (ex. Serbia)**
- **on the basis of reciprocity (ex. Austria, Germany, Slovenia, Australia)**





CHALLENGES

- **make judges comfortable to use video conference hearing during the trial**
- **scheduling**
- **compatibility of video gear**
- **interpreters**
- **costs**



AIDE MEMOIR

Content:



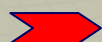
Introduction



Legal framework



Institutional framework



Practical issues

EUROPEAN JUDICIAL NETWORK



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EUROPEAN EXPERIENCES



Statistic on using hearing by video conference within European Union

- 62 % rarely
- 17 % sometimes
- 4,2 % often

