

Submission Template

The right to interpretation and translation and the right to information in criminal proceedings in the EU

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QUESTIONS

As envisaged in the section on Research Methodology, please note that some questions require consultation with organisations and/or practitioners working in relevant fields covered by the research to cross-check findings from the desk research with respect to the way in which the examined rights are applied in practice (such as judges, lawyers, interpreters and translators or civil society organisations active in the field of legal assistance in criminal proceedings).

Article I. SECTION A: The right to interpretation and translation in criminal proceedings

1.	RIGHT TO INTERPRETATION ¹	Brief Description
1.1		<p>Please provide answers to the following for each stage of proceedings as indicated below:</p> <p>a) Who has the responsibility for determining the need of interpretation at each stage of the proceedings?</p> <p>b) How it works in practice for the various stages of the proceedings to ascertain whether suspected or accused persons speak and understand the language of the proceedings?</p> <p>c) Who bears the cost of interpretation at each stage?</p> <p>d) What is the timeframe (deadline) for providing interpretation at each stage of the proceedings?</p> <p>.Please cross-check findings from the desk research by consulting relevant organisations and/or practitioners.</p>
	<ul style="list-style-type: none"> • police questioning; 	<p>a) Police officers who are conducting police questioning²,</p>

¹ See in particular Articles 2 and 4 and related recitals of Directive 2010/64/EU.

² Croatia, The Criminal Procedure Act (*Zakon o kaznenom postupku*) (2014), Official Gazette (*Narodne novine*) Nos. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13, 145/13, and 152/14, 17 December 2014, Art. 108, para. 1, available at: www.zakon.hr/z/174/Zakon-o-kaznenom-postupku and The Police Duties and Powers Act, (*Zakon o policijskim poslovima i ovlastima*) (2014), Official Gazette (*Narodne novine*) Nos. 76/09 and 92/14, 15 July 2014, Art. 11f, para. 1, available at: www.zakon.hr/z/173/Zakon-o-policijskim-poslovima-i-ovlastima. All hyperlinks were accessed on 2 May 2015.

1.1.1		<p>b) In practice, the person/body in charge of or conducting each stage of the proceedings must determine the suspect's or the accused person's ability to understand the language³.</p> <p>According to information provided by the Municipal State Attorney's office⁴ in Zagreb it is a matter of established practice - before taking any official action in which the accused or suspected person is personally involved or on his written proposal, the competent authority has to establish whether there is a suspicion that the person does not speak or understand the language used in the criminal proceedings. According to the State Attorney's Office, since the competent bodies, in practice, cannot always determine the level of the arrested/accused person's knowledge of the language in which the procedure is conducted, interpretation will be provided every time when the competent body determines that a person involved has any problems understanding the language of the proceedings .</p> <p>c) The costs of interpretation and translation are covered from the funds of the body conducting the proceedings⁵.</p> <p>d) The Criminal Procedure Act does not set a deadline for providing interpretation, but obliges the authority conducting the questioning to provide an interpreter before the start of the questioning⁶</p>
1.1.2	<ul style="list-style-type: none"> • court hearings; 	<p>a) The presiding judge⁷</p> <p>b) The presiding judge will verify whether the accused person received and understood the letter of rights, which contains information on the right of the defendant to translation/interpretation. If the accused person has not received the letter of rights, the court will order the</p>

³ Croatia, representative of the Municipal State Attorney's Office in Zagreb.

⁴ Croatia, representative of the Municipal State Attorney's Office in Zagreb.

⁵ Croatia, The Criminal Procedure Act (*Zakon o kaznenom postupku*) (2014), Official Gazette (*Narodne novine*) Nos. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13, 145/13, and 152/14, 17 December 2014, Art. 145, para. 4, available at www.zakon.hr/z/174/Zakon-o-kaznenom-postupku.

⁶ Croatia, The Criminal Procedure Act (*Zakon o kaznenom postupku*) (2014), Official Gazette (*Narodne novine*) Nos. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13, 145/13, and 152/14, 17 December 2014, Art. 273, para. 6, available at www.zakon.hr/z/174/Zakon-o-kaznenom-postupku.

⁷ Croatia, The Criminal Procedure Act (*Zakon o kaznenom postupku*) (2014), Official Gazette (*Narodne novine*) Nos. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13, 145/13, and 152/14, 17 December 2014, Art. 350, para. 1, available at www.zakon.hr/z/174/Zakon-o-kaznenom-postupku.

		<p>state attorney to deliver it to the accused person. If the presiding judge determines that the accused person did not understand the letter of rights, the court shall inform them about their rights⁸.</p>
		<p>c) The costs of interpretation and translation are covered from the funds of the body conducting the proceedings⁹.</p>
		<p>d) The Criminal Procedure Act does not set a specific deadline for providing interpretation/translation, but it does stipulate that the accused person, during criminal proceedings, has a right to communicate in their own language or language he/she can speak and understand¹⁰. It follows that, before taking any action in the proceedings, the relevant authority is obliged to provide translation/interpretation if needed.</p>
<p>1.1.3</p>	<ul style="list-style-type: none"> • any necessary interim hearings; 	<p>a) The person conducting the hearing¹¹.</p> <p>b) In practice, the person/authority in charge of or conducting each stage of the proceedings must determine the suspect's or the accused person's ability to understand the language.</p> <p>According to information provided by the Municipal State Attorney's office in Zagreb¹² it is a matter of established practice- before taking any official action in which the accused or suspected person is personally involved or on his written proposal, the competent authority has to establish whether there is a suspicion that the person does not speak or understand the language used in the criminal proceedings. According to the State Attorney's Office, since the competent bodies, in practice, cannot always determine the level of the arrested/accused person's knowledge of the language in which the procedure is conducted, interpretation will be provided every time when the competent body determines that a person involved has problems understanding the language of the proceedings .</p>

⁸ Croatia, The Criminal Procedure Act (*Zakon o kaznenom postupku*) (2014), Official Gazette (*Narodne novine*) Nos. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13,145/13, and 152/14, 17 December 2014, Art. 413, para. 2 and Art 350, Par 1, available at www.zakon.hr/z/174/Zakon-o-kaznenom-postupku.

⁹ Croatia, The Criminal Procedure Act (*Zakon o kaznenom postupku*) (2014), Official Gazette (*Narodne novine*) Nos. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13,145/13, and 152/14, 17 December 2014, Art. 145, para. 4, available at www.zakon.hr/z/174/Zakon-o-kaznenom-postupku.

¹⁰ Croatia, The Criminal Procedure Act (*Zakon o kaznenom postupku*) (2014), Official Gazette (*Narodne novine*) Nos. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13,145/13, and 152/14, 17 December 2014, Art. 8, para. 3, available at www.zakon.hr/z/174/Zakon-o-kaznenom-postupku.

¹¹ Croatia, representative of the Municipal State Attorney's Office in Zagreb.

¹² Croatia, representative of the Municipal State Attorney's Office in Zagreb.

		<p>c) The costs of interpretation and translation are covered from the funds of the body conducting the proceedings¹³.</p>
		<p>d) The Criminal Procedure Act does not set a specific deadline for providing interpretation/translation, but it does stipulate that the accused person, during criminal proceedings, has a right to communicate in their own language or language he/she can speak and understand¹⁴. It follows that, before taking any action in the proceedings, the relevant authority is obliged to provide translation/interpretation.</p>
<p>1.1.4</p>	<ul style="list-style-type: none"> any communication between suspects and accused persons and their legal counsel in direct connection with any questioning or hearing during the proceedings? 	<p>a) The interpretation and translation of the communication between the accused and their legal counsel will be made available upon the request of the accused, when the interpretation or translation is needed to prepare the accused's defence, to prepare a legal remedy or take any other legal action necessary to use procedural rights of the defence¹⁵.</p> <p>b) In practice, the accused person or their legal counsel will request the services of an interpreter or translator.</p> <p>If the interpreter has already been appointed by the police authority/judge, the same interpreter will also be available for this purpose. If the interpreter has not been appointed by the competent authority, s/he will be appointed upon the request of the suspect/accused person or his legal counsel¹⁶.</p> <p>c) The costs of interpretation and translation are covered from the funds of the body conducting the proceedings¹⁷.</p>

¹³ Croatia, The Criminal Procedure Act (*Zakon o kaznenom postupku*) (2014), Official Gazette (*Narodne novine*) Nos. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13, 145/13, and 152/14, 17 December 2014, Art. 145, para. 4, available at www.zakon.hr/z/174/Zakon-o-kaznenom-postupku.

¹⁴ Croatia, The Criminal Procedure Act (*Zakon o kaznenom postupku*) (2014), Official Gazette (*Narodne novine*) Nos. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13, 145/13, and 152/14, 17 December 2014, Art. 8, para. 3, available at www.zakon.hr/z/174/Zakon-o-kaznenom-postupku.

¹⁵ Croatia, The Criminal Procedure Act (*Zakon o kaznenom postupku*) (2014), Official Gazette (*Narodne novine*) Nos. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13, 145/13, and 152/14, 17 December 2014, Art. 8, para. 8, available at www.zakon.hr/z/174/Zakon-o-kaznenom-postupku.

¹⁶ Croatia, The Criminal Procedure Act (*Zakon o kaznenom postupku*) (2014), Official Gazette (*Narodne novine*) Nos. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13, 145/13, and 152/14, 17 December 2014, Art. 8, para. 8, available at www.zakon.hr/z/174/Zakon-o-kaznenom-postupku.

¹⁷ Croatia, The Criminal Procedure Act (*Zakon o kaznenom postupku*) (2014), Official Gazette (*Narodne novine*) Nos. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13, 145/13, and 152/14, 17 December 2014, Art. 145, para. 4, available at www.zakon.hr/z/174/Zakon-o-kaznenom-postupku.

		d) The Criminal Procedure Act does not set a specific deadline for the provision of interpretation or translation.
1.2	How do authorities ensure interpretation into rare/lesser known languages where no certified interpreters exist? Please cross-check findings from the desk research by consulting relevant organisations and/or practitioners.	In the absence of a court interpreter for a particular language, the competent authorities ask for recommendations from linguistic department s of the Faculty of Philosophy, embassies, NGOs etc. ¹⁸
1.3	Please describe procedures in place, if any, to ensure that suspects or accused persons have the right to challenge the decision that no interpretation is needed? Please cross-check findings from the desk research by consulting relevant organisations and/or practitioners.	The Criminal Procedure Act does not outline a specific procedure, but it does stipulate that failure to provide interpretation or translation will always be regarded as a substantial violation of criminal procedure which represents a valid basis for appeal ¹⁹ . Moreover, a court decision cannot be based on evidence obtained in violation of the right to translation ²⁰ . According to the Criminal Procedure Act ²¹ , the accused person can also request the evidence collected in violation of the right to interpretation and translation be declared inadmissible for a criminal prosecution in a court of law ²² .

¹⁸ Croatia, representative of the Municipal State Attorney's Office in Zagreb.

¹⁹ Croatia, The Criminal Procedure Act (*Zakon o kaznenom postupku*) (2014), Official Gazette (*Narodne novine*) Nos. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13,145/13, and 152/14, 17 December 2014, Art. 468, para. 1/3, available at www.zakon.hr/z/174/Zakon-o-kaznenom-postupku.

²⁰ Croatia, The Criminal Procedure Act (*Zakon o kaznenom postupku*) (2014), Official Gazette (*Narodne novine*) Nos. 52/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13,145/13, and 152/14, 17 December 2014, Art. 8, para. 9, available at www.zakon.hr/z/174/Zakon-o-kaznenom-postupku.

²¹ Croatia, The Criminal Procedure Act (*Zakon o kaznenom postupku*) (2014), Official Gazette (*Narodne novine*) Nos. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13,145/13, and 152/14, 17 December 2014, Art. 10, para. 2/3, available at www.zakon.hr/z/174/Zakon-o-kaznenom-postupku.

²² Croatia, representative of the Municipal State Attorney's Office in Zagreb.

1.4	With regard to remote interpretation via communication technologies :			
	a) Can communication technologies for the purpose of remote interpretation be used? If so, at what stage(s) of the proceedings?	In all stages of the criminal proceedings, interpretation and translation may be performed via communication technologies, when such translation/interpretation does not violate the rights of the accused ²³ .		
	b) Which technologies are used, if any (videoconference, telephone, internet, etc.)	The Criminal Procedure Act defines such technologies as “telephone connection or audio-video device” ²⁴ .		
	c) Do competent authorities rely on the tools developed in the context of European e-Justice (e.g. information on courts with videoconferencing equipment provided on the European E-justice Portal)? Please cross-check findings from the desk research by consulting relevant organisations and/or practitioners.	No. The Municipal State Attorney office in Zagreb declared that they cannot answer that question. They, however, note that state attorneys are internally notified of the availability of video conference equipment in Croatia.		
	TRAINING²⁵	Yes	No	Brief Description
1.5	Are providers of judicial training requested to pay special		X	There is no rule under the relevant regulation about the duty of education providers to cover certain topics, but it is expected that training providers respect the rules of profession and that certain workshops cover all relevant topics ²⁶ .

²³ Croatia, The Criminal Procedure Act (*Zakon o kaznenom postupku*) (2014), Official Gazette (*Narodne novine*) Nos. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13,145/13, and 152/14, 17 December 2014, Art. 8, para. 11, available at www.zakon.hr/z/174/Zakon-o-kaznenom-postupku.

²⁴ Croatia, The Criminal Procedure Act (*Zakon o kaznenom postupku*) (2014), Official Gazette (*Narodne novine*) Nos. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13,145/13, and 152/14, 17 December 2014, Art. 8, para. 11, available at www.zakon.hr/z/174/Zakon-o-kaznenom-postupku.

²⁵ See in particular Article 6 and relevant recitals of Directive 2010/64/EU.

²⁶ Judicial Academy, Continuous Training Department (*Pravosudna akademija, Odjel za stručno usavršavanje vježbenika, savjetnika u pravosudnim tijelima i pravosudnih dužnosnika*), response to query, 9 March 2015.

attention to the particularities of communicating with the assistance of an interpreter so as to ensure efficient and effective communication? If yes, briefly provide details.			According to information provided by the Judicial Academy, existing curriculum does not cover such issues.
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2.	RIGHT TO TRANSLATION OF DOCUMENTS ²⁷	Brief Description
2.1		<p>Please provide answers to the following for each stage of proceedings as indicated below:</p> <p>a) Which documents (according to national law or established practice) are considered essential to translate in order to safeguard the fairness of the proceedings?</p> <p>b) Who bears the cost of translation at each stage?</p> <p>c) What is the timeframe (deadline) for the translation of documents at each stage of the proceedings?</p> <p>Please cross-check findings from the desk-research by consulting relevant organisations and/or practitioners.</p>
2.1.1	<ul style="list-style-type: none"> • police questioning; 	<p>a) Written translation of the following documents shall always be provided: the letter of rights and the arrest warrant²⁸.</p> <p>b) The costs of interpretation and translation are covered from the funds of the body conducting the proceedings²⁹.</p>

²⁷ See in particular Articles 3 and 4 and relevant recitals of Directive 2010/64/EU.

²⁸ Croatia, The Criminal Procedure Act (*Zakon o kaznenom postupku*) (2014), Official Gazette (*Narodne novine*) Nos. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13, 145/13, and 152/14, 17 December 2014, Art. 8, para. 5, available at www.zakon.hr/z/174/Zakon-o-kaznenom-postupku.

²⁹ Croatia, The Criminal Procedure Act (*Zakon o kaznenom postupku*) (2014), Official Gazette (*Narodne novine*) Nos. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13, 145/13, and 152/14, 17 December 2014, Art. 145, para. 4, available at www.zakon.hr/z/174/Zakon-o-kaznenom-postupku.

		<p>c) If those documents are not available in a language that the accused can understand right away, the documents will immediately be translated to the accused person orally, and a written translation shall be promptly provided³⁰.</p> <p>According to our desk research there are still no court rulings defining the term “promptly”. Information provided by the Municipal State Attorney’s office in Zagreb state that interpretation of the term “promptly” depends on the specific circumstances of each case and its duration is not defined in practice or by existing internal rules³¹.</p>
2.1.2	<ul style="list-style-type: none"> • court hearings; 	<p>a) During court hearings, written translation of the following documents must be provided: decision on the initiation of investigation, order on evidence collection, indictment, private action conducted under the Criminal Act, court summons, any court decisions reached after the indictment and before the final court ruling, court decisions on legal remedies³². By analogy and in favour of the accused person, the state attorney office almost mandatorily provides translation of other documents - documents imposing procedural requirements, documents against which there is right to appeal and documents providing certain procedural rights to the accused person³³.</p> <p>b) The costs of interpretation and translation are covered from the funds of the body conducting the proceedings³⁴.</p> <p>c) If those documents are not available in a language that the accused can understand right away, the documents will immediately be translated to the accused person orally, and a written translation shall be promptly provided³⁵.</p>

³⁰ Croatia, The Criminal Procedure Act (*Zakon o kaznenom postupku*) (2014), Official Gazette (*Narodne novine*) Nos. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13,145/13, and 152/14, 17 December 2014, Art. 8, para. 5, available at www.zakon.hr/z/174/Zakon-o-kaznenom-postupku.

³¹ Croatia, representative of the Municipal State Attorney's Office in Zagreb.

³² Croatia, The Criminal Procedure Act (*Zakon o kaznenom postupku*) (2014), Official Gazette (*Narodne novine*) Nos. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13,145/13, and 152/14, 17 December 2014, Art. 8, para. 5, available at www.zakon.hr/z/174/Zakon-o-kaznenom-postupku.

³³ Croatia, representative of the Municipal State Attorney's Office in Zagreb.

³⁴ Croatia, The Criminal Procedure Act (*Zakon o kaznenom postupku*) (2014), Official Gazette (*Narodne novine*) Nos. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13,145/13, and 152/14, 17 December 2014, Art. 145, para. 4, available at www.zakon.hr/z/174/Zakon-o-kaznenom-postupku.

³⁵ Croatia, The Criminal Procedure Act (*Zakon o kaznenom postupku*) (2014), Official Gazette (*Narodne novine*) Nos. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13,145/13, and 152/14, 17 December 2014, Art. 8, para. 5, available at www.zakon.hr/z/174/Zakon-o-kaznenom-postupku.

<p>2.1.3</p>	<ul style="list-style-type: none"> any necessary interim hearings; 	<p>a) In practice, the court and the state attorney's office almost mandatorily provide translations of other documents - documents imposing procedural requirements, a document against which there is right of appeal and documents that provide certain procedural rights for the accused person.³⁶</p> <p>The term "almost mandatorily" was used in a sense that such obligation is not proscribed by the law and that it is an established practice of the competent bodies. According to information provided by the Municipal State Attorney's office, documents imposing procedural requirements, documents against which there is a right of appeal and documents that provide certain procedural rights for the accused person will always be translated³⁷.</p>
		<p>b) The costs of interpretation and translation are covered from the funds of the body conducting the proceedings³⁸.</p>
		<p>c) those documents are not available in a language that the accused can understand right away, the documents will immediately be translated to the accused person orally, and a written translation shall be promptly provided³⁹.</p>
<p>2.1.4</p>	<ul style="list-style-type: none"> any communication between suspects and accused persons and their legal counsel in direct connection with any questioning or hearing during the proceedings? 	<p>a) The Criminal Procedure Act contains only a general provision on the defendant/accused person's right to translation/interpretation of communication with his counsel: the accused person has the right to translation of correspondence with his counsel when the translation is needed to prepare the accused's defence, to prepare a legal remedy, or take any other legal action necessary to use procedural rights of the defence⁴⁰.</p> <p>b) The costs of interpretation and translation are covered from the funds of the body conducting the proceedings⁴¹.</p>

³⁶ Croatia, representative of the Municipal State Attorney's Office in Zagreb.

³⁷ Croatia, representative of the Municipal State Attorney's Office in Zagreb.

³⁸ Croatia, The Criminal Procedure Act (*Zakon o kaznenom postupku*) (2014), Official Gazette (*Narodne novine*) Nos. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13,145/13, and 152/14, 17 December 2014, Art. 145, para. 4, available at www.zakon.hr/z/174/Zakon-o-kaznenom-postupku.

³⁹ Croatia, The Criminal Procedure Act (*Zakon o kaznenom postupku*) (2014), Official Gazette (*Narodne novine*) Nos. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13,145/13, and 152/14, 17 December 2014, Art. 8, para. 5, available at www.zakon.hr/z/174/Zakon-o-kaznenom-postupku.

⁴⁰ Croatia, The Criminal Procedure Act (*Zakon o kaznenom postupku*) (2014), Official Gazette (*Narodne novine*) Nos. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13,145/13, and 152/14, 17 December 2014, Art. 8, para. 8, available at www.zakon.hr/z/174/Zakon-o-kaznenom-postupku.

⁴¹ Croatia, The Criminal Procedure Act (*Zakon o kaznenom postupku*) (2014), Official Gazette (*Narodne novine*) Nos. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13,145/13, and 152/14, 17 December 2014, Art. 145, para. 4, available at www.zakon.hr/z/174/Zakon-o-kaznenom-postupku.

		c) The Criminal Procedure Act contains no provisions on the deadline for such translation.
2.2	How do the competent authorities ascertain whether oral translation or oral summary of essential documents may be provided instead of a written translation? Please cross-check findings from the desk research by consulting relevant organisations and/or practitioners.	Competent authorities are always obliged to provide written translation of the documents listed in the Criminal Procedure Act ⁴² . As regards documents not specifically listed there, the defendant may request a written translation of evidence when necessary to exercise their procedural rights ⁴³ . Exceptionally, instead of written translation, competent authorities may provide oral translation or oral summary of the evidence if that does not violate the procedural rights of defence and if the defendant is represented by a defence counsel ⁴⁴ .
2.3	Please describe procedures in place, if any, to ensure that suspects or accused persons have the right to challenge the decision that no translation is needed? Please cross-check findings from the desk research by consulting	The Criminal Procedure Act does not outline a specific procedure, but it does stipulate that failure to provide interpretation or translation will always be regarded as a substantial violation of criminal procedure which represents a valid basis for appeal ⁴⁵ . Moreover, a court decision cannot be based on evidence obtained in violation of the right to translation ⁴⁶ . In relation to the quoted rules, court rulings have so far been basically unanimous, interpreting such violations as basis for annulment of the first instance judgment. After having been delivered the decision on the initiation of investigation, if the accused person considers his/her rights have been unlawfully denied or violated, he/she has the right to file a written complaint to the State Attorney ⁴⁷ .

⁴² Croatia, The Criminal Procedure Act (*Zakon o kaznenom postupku*) (2014), Official Gazette (*Narodne novine*) Nos. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13, 145/13, and 152/14, 17 December 2014, Art. 8, para. 5, available at www.zakon.hr/z/174/Zakon-o-kaznenom-postupku.

⁴³ Croatia, The Criminal Procedure Act (*Zakon o kaznenom postupku*) (2014), Official Gazette (*Narodne novine*) Nos. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13, 145/13, and 152/14, 17 December 2014, Art. 8, para. 6, available at www.zakon.hr/z/174/Zakon-o-kaznenom-postupku.

⁴⁴ Croatia, representative of the Municipal State Attorney's Office in Zagreb.

⁴⁵ Croatia, The Criminal Procedure Act (*Zakon o kaznenom postupku*) (2014), Official Gazette (*Narodne novine*) Nos. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13, 145/13, and 152/14, 17 December 2014, Art. 468, para. 1/3, available at www.zakon.hr/z/174/Zakon-o-kaznenom-postupku.

⁴⁶ Croatia, The Criminal Procedure Act (*Zakon o kaznenom postupku*) (2014), Official Gazette (*Narodne novine*) Nos. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13, 145/13, and 152/14, 17 December 2014, Art. 8, para. 9, available at www.zakon.hr/z/174/Zakon-o-kaznenom-postupku.

⁴⁷ Croatia, representative of the Municipal State Attorney's Office in Zagreb.

	relevant organisations and/or practitioners.	The Supreme Court of Croatia, in a ruling No. Kž-217/08, April 22, 2008, confirmed that, in terms of Art. 367, para. 1, item. 3 of the Criminal Procedure Act , there will be a substantial violation of criminal procedure when the defendant , the defense attorney, the injured party as a prosecutor or the private plaintiff , contrary to thier request , were denied the right to use their language during court hearings ⁴⁸ .		
		Yes	No	Brief Description
2.4	Do all documents that the suspected or accused person has to sign during the proceedings have to be translated?		X	The Criminal Procedure Act specifically lists documents that have to be translated in writing ⁴⁹ .
2.5	Is it possible to waive the right to translation of documents and if so, what form can it have and under which conditions can it be accepted?	X		The accused person can waive their right to translation of documents only after the competent authority has instructed the accused person on the legal consequences of waiving this right. The statement has to be given freely, unambiguously and in a written form, signed by the accused ⁵⁰ .
3.	RIGHTS CONCERNING BOTH INTERPRETATION AND TRANSLATION⁵¹			
3.1	With regard to use of registers of interpreters and translators in EU Member States:	Yes	No	Brief Description
	a) Do national databases or registers exist for legal translators and interpreters?	X		The Rules on Permanent Court Interpreters ⁵² established an Electronic List of Court Interpreters for the whole Croatian territory .

⁴⁸ Croatia, The Supreme Court of Croatia (Vrhovni sud Republike Hrvatske), April 22, 2008, ruling No. Kž-217/08, available at

<http://sudskapraksa.vsrh.hr/supra/OdlukaTekst.asp?docID=3F22317C8CE3&Anonimizirano=3D&Title=5A4255079C93FF69AA73E45F81CE6B9B4AE79309>.

⁴⁹ Croatia, The Criminal Procedure Act (*Zakon o kaznenom postupku*) (2014), Official Gazette (*Narodne novine*) Nos. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13,145/13, and 152/14, 17 December 2014, Art. 8, para. 5, available at www.zakon.hr/z/174/Zakon-o-kaznenom-postupku.

⁵⁰ Croatia, The Criminal Procedure Act (*Zakon o kaznenom postupku*) (2014), Official Gazette (*Narodne novine*) Nos. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13,145/13, and 152/14, 17 December 2014, Art. 8, para. 7, available at www.zakon.hr/z/174/Zakon-o-kaznenom-postupku.

⁵¹ See in particular Article 5 and relevant recitals of Directive 2010/64/EU.

⁵² The Rules on Permanent Court Interpreters (*Pravilnik o stalnim sudskim tumačima*) (2007), Official Gazette (*Narodne novine*) Nos. 150/05 and 16/07, 12 June 2008, available at: www.usst.hr/hr/1421/pravilnik-o-stalnim-sudskim-tumacima.

	b) Do translators and interpreters have to be listed in databases/registers for their services to be used? In other words, is membership/registration mandatory?	X		Courts and other authorities are obliged to use the services of permanent court interpreters, except in specific situations where there is risk of delay or other significant circumstances ⁵³ .
	c) Who has access to these databases?			Brief Description: The County courts and the Commercial courts must publish the list of court interpreters in the Official Gazette and on the Court bulletin board, and submit the list to the Ministry of Justice no later than 31 March of the current year ⁵⁴ . The web page www.sudacka-mreza.hr that contains the list, is also publicly available.
	d) Which professional qualifications are needed by: <ul style="list-style-type: none"> • translators and • interpreters in order to be registered in the database?			Brief Description: The Criminal Procedure Act and the Rules on Permanent Court Interpreters make no distinction between translators and interpreters. The common denomination for both terms is interpretation, performed by court interpreters. The Rules on Permanent Court Interpreters ⁵⁵ stipulates the requirements for a permanent court interpreter. In addition to the general conditions stipulated for admission to the civil service, the person must comply with the following specific requirements: knowledge of the Croatian language and a specific foreign language, familiarity with the organization of the judiciary, public administration and legal terminology, and have completed undergraduate studies. An applicant submits an application to the President of the competent County or Commercial Court, following which he/she is referred to the exam on the organization of the judiciary and public administration and knowledge of legal terminology. Before deciding on the application, the president of the said court shall refer candidates to vocational training in one of the court interpreters' professional associations.
	e) Are there any requirements in place to ensure the independence of interpreters and	X		The rules on the disqualification of judges from the exercise of the judicial office, established in the Criminal Procedure Act, also apply to translators and interpreters (both addressed as interpreters). All legal provisions concerning the disqualification and exemption of judges apply to interpreters ⁵⁶ .

⁵³ Croatia, The Criminal Procedure Act (*Zakon o kaznenom postupku*) (2014), Official Gazette (*Narodne novine*) Nos. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13, 145/13, and 152/14, 17 December 2014, Art. 309, para. 4, available at www.zakon.hr/z/174/Zakon-o-kaznenom-postupku.

⁵⁴ The Rules on Permanent Court Interpreters (*Pravilnik o stalnim sudskim tumačima*) (2007), Official Gazette (*Narodne novine*) Nos. 150/05 and 16/07, 12 June 2008, Art. 17, available at: www.usst.hr/hr/1421/pravilnik-o-stalnim-sudskim-tumacima.

⁵⁵ The Rules on Permanent Court Interpreters (*Pravilnik o stalnim sudskim tumačima*) (2007), Official Gazette (*Narodne novine*) Nos. 150/05 and 16/07, 12 June 2008, Art. 2, available at: www.usst.hr/hr/1421/pravilnik-o-stalnim-sudskim-tumacima.

⁵⁶ Croatia, The Criminal Procedure Act (*Zakon o kaznenom postupku*) (2014), Official Gazette (*Narodne novine*) Nos. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13, 145/13, and 152/14, 17 December 2014, Art. 32 and 37, available at www.zakon.hr/z/174/Zakon-o-kaznenom-postupku.

	translators? If yes, provide a brief overview (for both translators and interpreters).			A judge or a lay judge shall be excluded from the exercise of the judicial office: if he has been injured by the criminal offence; if he is the spouse, a relative by blood, either lineal, descending or ascending, or collateral to the fourth degree, or related by affinity to the second degree, to the defendant, his defence counsel, the prosecutor, the injured person, their legal guardian or legal representative; if he is a legal guardian, ward, adopted child or adoptive parent, foster-parent of foster-child to the defendant, his defence counsel, the prosecutor or the injured person; if in the same criminal case he has carried out investigatory actions, or has taken part in deciding on an objection to the indictment or if he has taken part in the proceedings as a prosecutor, defence counsel, legal guardian or legal representative of the injured person or the prosecutor, or if he has testified as a witness or as an expert witness; if in the same case he has taken part in rendering a decision of a lower court or in rendering a decision of the same court being challenged by an appeal or extraordinary judicial remedy. The judge and lay judge may be recused from the exercise of the judicial office in a particular case if, apart from the cases enumerated in the previous paragraph, it shall be stated and proven that there are circumstances which render his impartiality doubtful ⁵⁷ .
	f) Is access to existing databases provided through the European e-Justice portal ? ⁵⁸ How is this register available to legal counsel and relevant authorities?		X	The list of court interpreters is publicly available, both in Croatian and in English, through the web page www.sudacka-mreza.hr . The list is not available through the e-Justice portal.
	g) Are criminal justice institutions required to use interpreters and translators listed in these registers?	X		Courts and other authorities are obliged to use the services of permanent court interpreters, except in specific situations where there is a risk of delay or there are other significant circumstances ⁵⁹ .

⁵⁷ Croatia, The Criminal Procedure Act (*Zakon o kaznenom postupku*) (2014), Official Gazette (*Narodne novine*) Nos. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13, 145/13, and 152/14, 17 December 2014, Art. 32, available at www.zakon.hr/z/174/Zakon-o-kaznenom-postupku.

⁵⁸ <https://e-justice.europa.eu/home.do?plang=en&action=home>.

⁵⁹ Croatia, The Criminal Procedure Act (*Zakon o kaznenom postupku*) (2014), Official Gazette (*Narodne novine*) Nos. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13, 145/13, and 152/14, 17 December 2014, Art. 309 para. 4, available at www.zakon.hr/z/174/Zakon-o-kaznenom-postupku.

3.2	With regard to other mechanisms/procedures:	Yes	No	Brief Description
	a) Are there other mechanisms or procedures in place to ensure the quality and independence of interpretation and translation during the course of the proceedings? Are there any quality checks? Who is responsible for carrying them out?		X	The Criminal Procedure Act contains no provisions on specific mechanisms ensuring the quality and independence of interpretation/translation in the course of the proceedings besides the defendant's rights to challenge the quality of interpretation. The Criminal Procedure Act has, however, established the institute of disqualification that also applies to translators and interpreters (both addressed as interpreters). The Rules on Permanent Court Interpreters provides a general rule that the work of court interpreters is supervised by the Ministry of Justice and the County or Commercial court that appointed the permanent court interpreter ⁶⁰ .
	b) Is there any procedure in place to ensure that suspects or accused persons have the possibility, when interpretation and translation has been provided, to complain about the quality and independence of the interpretation and translation?	X		The defendant has the right to challenge the quality of provided translation and interpretation to the authority conducting the proceedings ⁶¹ . The rules on the disqualification of judges established in the Criminal Procedure Act also apply to translators and interpreters. The legal provisions concerning the exemption of judges apply equally to interpreters ⁶² .
	c) Are there any mechanisms in place that allow for the replacement of the appointed interpreter or a new translation when the quality of the	X		The competent authority decides if the defendant's complaint is founded and, if that is the case, appoints another interpreter.

⁶⁰ The Rules on Permanent Court Interpreters (*Pravilnik o stalnim sudskim tumačima*) (2007), Official Gazette (*Narodne novine*) Nos. 150/05 and 16/07, 12 June 2008, Art. 31, available at: www.usst.hr/hr/1421/pravilnik-o-stalnim-sudskim-tumacima.

⁶¹ Croatia, The Criminal Procedure Act (*Zakon o kaznenom postupku*) (2014), Official Gazette (*Narodne novine*) Nos. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13, 145/13, and 152/14, 17 December 2014, Art. 8 para. 10, available at www.zakon.hr/z/174/Zakon-o-kaznenom-postupku.

⁶² Croatia, The Criminal Procedure Act (*Zakon o kaznenom postupku*) (2014), Official Gazette (*Narodne novine*) Nos. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13, 145/13, and 152/14, 17 December 2014, Art. 37, available at www.zakon.hr/z/174/Zakon-o-kaznenom-postupku.

	interpretation or the independence of the interpreter is considered insufficient? If yes, briefly provide information.			
3.3	Are there special procedures designed to take into account the special needs of vulnerable suspects or vulnerable accused persons which affect their ability to communicate effectively? ⁶³ If yes, briefly provide information on those mechanisms considering the following vulnerable groups:			
	a) suspect or accused persons with physical impairment or disability;	X		Only in case of a hearing/speaking impairment. If a defendant has a hearing disability, the questions shall be posed in writing, and if he/she cannot speak, they will be asked to answer in writing. If the questioning cannot be performed in such a manner, a person with whom the defendant is able to communicate shall be called as an interpreter ⁶⁴ . Only a court interpreter can perform interpretation in criminal proceedings ⁶⁵ .
	b) suspect or accused persons with intellectual impairment or disability;		X	
	c) i) children who are suspects/defendants, and/or ii) holders of parental responsibility		X	No. The Law on Juvenile Courts ⁶⁶ only stipulates that minors must be treated with special care during questioning, so that, having in mind their mental development and personal characteristics, criminal proceedings is not detrimental to the development of their personality.

⁶³ See in particular recital 27 of Directive 2010/64/EU.

⁶⁴ Croatia, The Criminal Procedure Act (*Zakon o kaznenom postupku*) (2014), Official Gazette (*Narodne novine*) Nos. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13, 145/13, and 152/14, 17 December 2014, Art. 280, para. 2, available at www.zakon.hr/z/174/Zakon-o-kaznenom-postupku.

⁶⁵ Croatia, The Criminal Procedure Act (*Zakon o kaznenom postupku*) (2014), Official Gazette (*Narodne novine*) Nos. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13, 145/13, and 152/14, 17 December 2014, Art. 280, para. 1-4, available at www.zakon.hr/z/174/Zakon-o-kaznenom-postupku.

⁶⁶ Croatia, The Juvenile Courts Act (*Zakon o sudovima za mladež*), Official Gazette (*Narodne novine*) Nos. 84/11, 143/12 and 148/13, 29 November 2013, Art. 53, para. 2, available at: www.zakon.hr/z/180/Zakon-o-sudovima-za-mladez.

	(please distinguish between the two).			
3.4	Is there any recording procedure to note that interpretation and translation have occurred and in which form? ⁶⁷ If yes, briefly provide information on how this procedure is organised in practice.	X		If interpretation was used in course of criminal proceedings, the interpreter must sign the record ⁶⁸ . A questioning carried out through an interpreter may be recorded using an audio-video device and the recording will be considered part of the official court record ⁶⁹ .

SECTION B: RIGHT TO INFORMATION IN CRIMINAL PROCEEDINGS

1.	PROVISION OF INFORMATION ON THE PROCEDURAL RIGHTS ⁷⁰	Brief Description
1.1	<p>Please provide answers to the following for each stage of proceedings as indicated below:</p> <p>a) What information is provided?</p> <p>b) How is it provided (e.g. orally or in writing)?</p> <p>c) What is the timeframe (deadline) for providing information at each stage of the proceedings?</p> <p>Please cross-check findings from the desk research by consulting relevant organisations and/or practitioners.</p>	

⁶⁷ See in particular Article 7 and relevant recitals of Directive 2010/64/EU.

⁶⁸ Croatia, The Criminal Procedure Act (*Zakon o kaznenom postupku*) (2014), Official Gazette (*Narodne novine*) Nos. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13, 145/13, and 152/14, 17 December 2014, Art. 85, para. 3, available at www.zakon.hr/z/174/Zakon-o-kaznenom-postupku.

⁶⁹ Croatia, The Criminal Procedure Act (*Zakon o kaznenom postupku*) (2014), Official Gazette (*Narodne novine*) Nos. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13, 145/13, and 152/14, 17 December 2014, Art. 290, para. 2, available at www.zakon.hr/z/174/Zakon-o-kaznenom-postupku.

⁷⁰ See in particular Article 3 and relevant recitals of Directive 2012/13/EU.

	<ul style="list-style-type: none"> • police questioning; 	<p>a) The competent authority must immediately give the letter of rights to the arrested person⁷¹. The letter of rights contains the following information: the reasons for arrest; the right to remain silent; the right to a counsel of their choosing or a lawyer appointed from the list of attorneys on duty; the right to interpretation and translation; the right to the family or another person be informed of the arrest; the right of foreign nationals to inform the competent consular authority or embassy of the arrest and to contact those authorities; the right to access the case file in accordance with the law; the right to urgent medical care; a notice that the deprivation of liberty, from the moment of arrest until bringing the arrested person to the investigating judge, may last up to 48 hours or, in case of an offence punishable by a maximum of one year of imprisonment, 36 hours.</p> <p>Only a detained suspect will be informed about the following rights: about the reason for collecting information and the circumstances that gave rise to a reasonable suspicion against him/her; about the right to interpretation and translation; about the right to remain silent and about a right to leave the police premises after the completion of questioning or after six hours from the moment of arrival to the police premises⁷²</p> <p>b) In criminal proceedings, information must be given in writing⁷³.</p> <p>A person who is not arrested/detained is not provided with specific information about the procedural rights in the criminal proceedings</p> <p>c)</p> <p>The competent authority must immediately give the letter of rights (containing the information on procedural rights) to the arrested person. If the person is not arrested, information on the procedural rights have to be provided before the start of the first questioning⁷⁴.</p> <p>A person who is not arrested/detained is not provided with specific information about the procedural rights in the criminal proceedings</p>
	<ul style="list-style-type: none"> • court hearings; 	<p>a) The letter of rights provided to the accused person provides the following pieces of information: the charges against the accused person and the circumstances that gave rise to a reasonable suspicion against them (if the decision on the initiation of the investigation was not previously delivered to them); the right not to present defence or answer any questions; the right to access the case materials in</p>

⁷¹ Croatia, The Criminal Procedure Act (*Zakon o kaznenom postupku*) (2014), Official Gazette (*Narodne novine*) Nos. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13,145/13, and 152/14, 17 December 2014, Art. 108a, para. 1, available at www.zakon.hr/z/174/Zakon-o-kaznenom-postupku.

⁷² Croatia, The Criminal Procedure Act (*Zakon o kaznenom postupku*) (2014), Official Gazette (*Narodne novine*) Nos. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13,145/13, and 152/14, 17 December 2014, Art. 208, para. 5, available at www.zakon.hr/z/174/Zakon-o-kaznenom-postupku.

⁷³ Croatia, The Criminal Procedure Act (*Zakon o kaznenom postupku*) (2014), Official Gazette (*Narodne novine*) Nos. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13,145/13, and 152/14, 17 December 2014, Art. 108, para. 1, available at www.zakon.hr/z/174/Zakon-o-kaznenom-postupku.

⁷⁴ Croatia, The Criminal Procedure Act (*Zakon o kaznenom postupku*) (2014), Official Gazette (*Narodne novine*) Nos. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13,145/13, and 152/14, 17 December 2014, Art. 273, para. 1, available at www.zakon.hr/z/174/Zakon-o-kaznenom-postupku.

		<p>accordance with the provisions of the Criminal Procedure Act; the right to a defence counsel of their choosing or the defence lawyer will otherwise, if stipulated by law, be appointed by the court or at the state budget expense when the defendant's financial status does not allow them to bear the defence costs⁷⁵.</p> <p>Letter of rights provided to the to the accused person is different form the letter of rights provided to the arrested person.</p> <p>The accused person's procedural rights are the following: the right to be informed on the grounds for suspicion of having committed a criminal offence and the reasons for the accusation; the right to communicate in their own language or the language they can understand and the right to an interpreter; the right to <i>pro se</i> legal representation, a counsel of their choosing, a court-appointed lawyer, or a counsel at the budget expense if they cannot bear the costs of defence; the right to freely communicate with their counsel; the right to have an appropriate time frame to prepare their defence; the right to present or not to present their defence; the right to refuse answering certain questions and to remain silent; the right to access the court files; the right to present and suggest evidence and to participate in their collection and in other procedural actions and court hearings; the right to cross-examine co-defendants, witnesses and court experts; the right to enter into agreements concerning penalties and other measures; the right to appeal⁷⁶.</p> <p>b) In criminal proceedings, information must be given in writing⁷⁷.</p> <p>c)</p> <p>The letter of rights (containing the information on procedural rights) must be handed over to the accused person along with the following documents: the search warrant, the summons for the first questioning, the decision on the initiation of the investigation, the summons for the evidentiary hearing, the notice on the collection of evidence, the detention order, the eyewitness identification order, the order on expert examination of the accused person⁷⁸.</p> <p>a) In addition to the above stated obligations of providing the arrested and the accused person with the letter of rights, the court and other authorities conducting a particular hearing/action, in all stages of the proceedings, are obliged to inform the accused and other persons</p>
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⁷⁵ Croatia, The Criminal Procedure Act (*Zakon o kaznenom postupku*) (2014), Official Gazette (*Narodne novine*) Nos. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13,145/13, and 152/14, 17 December 2014, Art. 239, para. 1, available at www.zakon.hr/z/174/Zakon-o-kaznenom-postupku.

⁷⁶ Croatia, The Criminal Procedure Act (*Zakon o kaznenom postupku*) (2014), Official Gazette (*Narodne novine*) Nos. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13,145/13, and 152/14, 17 December 2014, Art. 64, available at www.zakon.hr/z/174/Zakon-o-kaznenom-postupku.

⁷⁷ Croatia, The Criminal Procedure Act (*Zakon o kaznenom postupku*) (2014), Official Gazette (*Narodne novine*) Nos. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13,145/13, and 152/14, 17 December 2014, Art. 239, available at www.zakon.hr/z/174/Zakon-o-kaznenom-postupku.

⁷⁸ Croatia, representative of the Municipal State Attorney's Office in Zagreb.

	<ul style="list-style-type: none"> • any necessary interim hearings; 	<p>participating in the proceedings on their rights under the Criminal Procedure Act and on the legal consequences of their failure to exercise these rights⁷⁹.</p> <p>Croatian Criminal Procedure Act has no specific provisions regarding interim hearings. The applicable rule is that the arrested/accused person will be provided information on procedural rights in the form of the letter of rights, according to the above listed rules. Also, a judge or a person conducting a hearing will always verify whether the accused person received the letter of rights. For example, the provisions of the Croatian Criminal Procedure Act regulate a conciliation hearing which could be regarded as an interim hearing. In that case, information on procedural rights is provided to the accused person along with the copy of a private action and summons for the conciliation hearing. Article 15 of the Criminal Procedure Act (quoted above) does not provide any additional rights. It sets a general rule applicable to all stages of the criminal proceedings (including any possible interim hearings) and generally addresses the rights of arrested/accused persons to information. Article 15 proscribes that obligations of the court and other authorities, regarding information on procedural rights, apply to all stages of criminal proceedings. Having that in mind, information about the procedural rights in criminal proceedings (letter of rights) is always given in writing.</p>
		<p>b) In criminal proceedings, information must be given in writing⁸⁰.</p>
		<p>c)</p> <p>The letter of rights (containing the information on procedural rights) must be handed over to the accused person along with the following documents: the search warrant, the summons for the first questioning, the decision on the initiation of the investigation, the summons for the evidentiary hearing, the notice on the collection of evidence, the detention order, the eyewitness identification order, the order on expert examination of the accused person.</p> <p>Information on procedural rights in criminal proceedings is always given in a form of the letter of rights. As stated above, letter of rights is handed to the arrested person immediately, during arrest and to the accused person along with the documents listed above. Since Croatian Criminal Procedure Act has no specific provisions regarding interim hearings, general principles regarding information on the procedural rights apply according to Articles 15 and 239 of the Criminal Procedure Act.</p>

⁷⁹ Croatia, The Criminal Procedure Act (*Zakon o kaznenom postupku*) (2014), Official Gazette (*Narodne novine*) Nos. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13, 145/13, and 152/14, 17 December 2014, Art. 15, available at www.zakon.hr/z/174/Zakon-o-kaznenom-postupku.

⁸⁰ Croatia, The Criminal Procedure Act (*Zakon o kaznenom postupku*) (2014), Official Gazette (*Narodne novine*) Nos. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13, 145/13, and 152/14, 17 December 2014, Art. 239, available at www.zakon.hr/z/174/Zakon-o-kaznenom-postupku.

	<ul style="list-style-type: none"> any communication between suspects and accused persons and their legal counsel in direct connection with any questioning or hearing during the proceedings? 	<p>a) The court or other competent authority is obliged to inform the accused person about their right to a defence counsel and other related rights prior to the first questioning⁸¹.</p> <p>b) In criminal proceedings, information must be given in writing⁸².</p> <p>c)</p> <p>The letter of rights, containing information about a right to a defence counsel, must be handed over to the arrested person immediately, during arrest, and to the accused person along with the following documents: the search warrant, the summons for the first questioning, the decision on the initiation of the investigation, the summons for the evidentiary hearing, the notice on the collection of evidence, the detention order, the eyewitness identification order, the order on expert examination of the accused person.</p>
1.2	<p>Do authorities provide information about any other procedural rights (apart from those established in Article 3 of the Directive)? If yes, briefly provide information.</p>	<p>Yes. The Letter of rights provided to the arrested person⁸³ must include information about the right of foreign nationals to inform the competent consular authority or embassy of their arrest and the right to contact those authorities; the right to access the case files in accordance with the law; a notice that the deprivation of liberty, from the moment of the arrest until bringing the arrested person to the investigating judge may last up to 48 hours, or, in case of an offence punishable by a maximum of one year of imprisonment, 36 hours.</p>

⁸¹ Croatia, The Criminal Procedure Act (*Zakon o kaznenom postupku*) (2014), Official Gazette (*Narodne novine*) Nos. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13, 145/13, and 152/14, 17 December 2014, Art. 5, para. 3, available at www.zakon.hr/z/174/Zakon-o-kaznenom-postupku.

⁸² Croatia, The Criminal Procedure Act (*Zakon o kaznenom postupku*) (2014), Official Gazette (*Narodne novine*) Nos. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13, 145/13, and 152/14, 17 December 2014, Art. 239, available at www.zakon.hr/z/174/Zakon-o-kaznenom-postupku.

⁸³ Croatia, The Criminal Procedure Act (*Zakon o kaznenom postupku*) (2014), Official Gazette (*Narodne novine*) Nos. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13, 145/13, and 152/14, 17 December 2014, Art. 108a, para. 1, available at www.zakon.hr/z/174/Zakon-o-kaznenom-postupku.

2.	LETTER OF RIGHTS ⁸⁴	Brief Description
2.1	What rights does the letter of rights provide information about? What information is included in the letter of rights when children are arrested or detained?	<p>The Criminal Procedure Act makes a distinction between the letter of rights for the arrested person and the letter of rights for the accused person. The former⁸⁵ provides information about: the reasons for arrest; a right to remain silent; right to counsel of their choosing or a lawyer appointed from the list of attorneys on duty; the right to interpretation and translation; the right to the family or another person be informed of the arrest; the right of foreign nationals to inform the competent consular authority or embassy of the arrest and to contact those authorities; the right to access the case file in accordance with the law; the right to urgent medical care; a notice that the deprivation of liberty, from the moment of arrest until bringing the arrested person to the investigating judge may last up to 48 hours, or, in case of an offence punishable by a maximum of one year of imprisonment, 36 hours.</p> <p>The latter⁸⁶ provides the following pieces of information: the charges against the accused person and the circumstances that gave rise to a reasonable suspicion against them (if the decision on the initiation of the investigation was not previously delivered to them); the right not to present defence or answer any questions; the right to access the case materials in accordance with the provisions of the Criminal Procedure Act; the right to a defence counsel of their choosing or the defence lawyer will otherwise, if stipulated by law, be appointed by the court or at the state budget expense if the accused person's financial status does not allow them to bear the defence costs.</p> <p>When it comes to arrest or detention of children, the report on the arrest and detention contains a specific note that the parents of the arrested/detained minor will be immediately informed.⁸⁷</p>
2.2	At what stage of the proceedings is the letter of rights provided? Please cross-check findings from the desk research by consulting relevant organisations and/or practitioners.	<p>This issue is strictly regulated in the Criminal Procedure Act. The letter of rights must be promptly handed over to the arrested person in writing, during arrest⁸⁸.</p> <p>The letter of rights must be handed over to the accused person along with the following documents: the search warrant, the summons for the first questioning, the decision on the initiation of the investigation, the summons for the evidentiary hearing, the notice on the collection of evidence, the detention order, the eyewitness identification order, the order on expert examination of the accused person⁸⁹.</p>

⁸⁴ See in particular Article 4 and relevant recitals of Directive 2012/13/EU.

⁸⁵ Croatia, The Criminal Procedure Act (*Zakon o kaznenom postupku*) (2014), Official Gazette (*Narodne novine*) Nos. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13, 145/13, and 152/14, 17 December 2014, Art. 108a, para. 1, available at www.zakon.hr/z/174/Zakon-o-kaznenom-postupku.

⁸⁶ Croatia, The Criminal Procedure Act (*Zakon o kaznenom postupku*) (2014), Official Gazette (*Narodne novine*) Nos. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13, 145/13, and 152/14, 17 December 2014, Art. 239, para. 1, available at www.zakon.hr/z/174/Zakon-o-kaznenom-postupku.

⁸⁷ Croatia, representative of the Ministry of Internal Affairs, Police Department.

⁸⁸ Croatia, The Criminal Procedure Act (*Zakon o kaznenom postupku*) (2014), Official Gazette (*Narodne novine*) Nos. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13, 145/13, and 152/14, 17 December 2014, Art. 108, available at www.zakon.hr/z/174/Zakon-o-kaznenom-postupku.

⁸⁹ Croatia, representative of the Municipal State Attorney's Office in Zagreb.

2.3	Is the letter of rights drafted in simple and accessible language? How do competent authorities verify whether the language is simple and accessible enough for the suspects or accused persons and/or that the suspects or accused persons understand the language? Please cross-check findings from the desk research by consulting relevant organisations and/or practitioners.	Yes. Before the first questioning of the accused person, the authorities are obliged to make sure that they understood the letter of rights and specifically ask them if they understood it ⁹⁰ . In case of a negative response, the authorities must explain the rights in a manner that is understandable to the defendant .Failing to do so results in inadmissibility of such questioning records in criminal proceedings. The same procedure equally applies to other evidence collection procedures that actively involve the accused person ⁹¹ .
3.	RIGHT TO INFORMATION ABOUT THE ACCUSATION⁹²	Brief Description
3.1	What information is provided to the suspects or accused persons regarding what they have been accused of and how is it provided (e.g. orally or in writing)	The letter of rights for accused must include information on the reasons for arrest / the charges against the accused person and the circumstances that gave rise to a reasonable suspicion against them, if the decision on the initiation of the investigation was not previously delivered to them. The information is provided in writing ⁹³ .

⁹⁰ Croatia, The Criminal Procedure Act (*Zakon o kaznenom postupku*) (2014), Official Gazette (*Narodne novine*) Nos. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13,145/13, and 152/14, 17 December 2014, Art. 273, para. 1, available at www.zakon.hr/z/174/Zakon-o-kaznenom-postupku.

⁹¹ Croatia, representative of the Municipal State Attorney's Office in Zagreb.

⁹² See in particular Article 6 and relevant recitals of Directive 2012/13/EU.

⁹³ Croatia, The Criminal Procedure Act (*Zakon o kaznenom postupku*) (2014), Official Gazette (*Narodne novine*) Nos. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13,145/13, and 152/14, 17 December 2014, Art. 108 and 239 para. 1, available at www.zakon.hr/z/174/Zakon-o-kaznenom-postupku.

3.2	At which stage of the proceedings is the information provided? Please cross-check findings from the desk research by consulting relevant organisations and/or practitioners.	The Criminal Procedure Act stipulates that the information is provided in the letter of rights, so the stage of the proceedings in which the information is provided depends on whether the person has been arrested or formally accused. The Criminal Procedure Act makes a distinction between the letter of rights for the arrested person and the one for the accused person. The letter of rights must be handed over to the arrested person immediately, during arrest, while the accused person receives it along with the following documents: the search warrant, the summons for the first questioning, the decision on the initiation of the investigation, the summons for the evidentiary hearing, the notice on the collection of evidence, the detention order, the eyewitness identification order and the order on expert examination of the accused person ⁹⁴ .
3.3	How are suspects or accused persons informed when, in the course of the criminal proceedings, the details of the accusation change?	If the Trial Chamber allows the amendment of an indictment, they will also set a deadline for the prosecution's amendment. Upon receipt of the amended indictment, the Chamber will provide a copy for the defendant ⁹⁵ .
4.	RIGHT OF ACCESS TO CASE MATERIALS⁹⁶	Brief Description
4.1	What material evidence can be accessed by suspected or accused persons (e.g. documents, photographs, audio, video, summaries...)?	The right to access court files includes copying, examining and recording case files and examining objects used to determine the facts in the proceedings ⁹⁷ .

⁹⁴ Croatia, The Criminal Procedure Act (*Zakon o kaznenom postupku*) (2014), Official Gazette (*Narodne novine*) Nos. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13, 145/13, and 152/14, 17 December 2014, Art. 108 and 239 para. 2, available at www.zakon.hr/z/174/Zakon-o-kaznenom-postupku.

⁹⁵ Croatia, The Criminal Procedure Act (*Zakon o kaznenom postupku*) (2014), Official Gazette (*Narodne novine*) Nos. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13, 145/13, and 152/14, 17 December 2014, Art. 441 and 239 para. 3, available at www.zakon.hr/z/174/Zakon-o-kaznenom-postupku.

⁹⁶ See in particular Article 7 and relevant recitals of Directive 2012/13/EU.

⁹⁷ Croatia, The Criminal Procedure Act (*Zakon o kaznenom postupku*) (2014), Official Gazette (*Narodne novine*) Nos. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13, 145/13, and 152/14, 17 December 2014, Art. 441 and 183 para. 1, available at www.zakon.hr/z/174/Zakon-o-kaznenom-postupku.

4.2	At what stage of the proceedings is access to case materials granted? Please cross-check findings from the desk research by consulting relevant organisations and/or practitioners.	The defendant and their counsel have the right to access the court files: 1) after the questioning of the defendant, if the questioning took place before the decision on the initiation of the investigation has been delivered; 2) after delivery of the decision on the initiation of the investigation; 3) after receipt of the notice on the collection of evidence); 4) after receipt of a private action ⁹⁸ . In case of urgent evidence collection, if these conditions are not fulfilled, the defendant and the defence counsel have the right to access the respective records after no more than 30 days ^{99, 100} .
4.3	Under what circumstances is access to material refused? Who takes the decision of refusal?	The Chief State Attorney may decide to deny the defendant the right to access court files if that could jeopardize the investigation by preventing or impeding the collection of important evidence, or endanger life, health or property on a large scale ¹⁰¹ .
5.	CROSS-CUTTING ISSUES: LANGUAGES, COMPLAINT MECHANISMS, RECORDING & SPECIAL MEASURES¹⁰²	Brief Description
5.1	In which languages can information be provided for the following?	

⁹⁸ Croatia, The Criminal Procedure Act (*Zakon o kaznenom postupku*) (2014), Official Gazette (*Narodne novine*) Nos. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13, 145/13, and 152/14, 17 December 2014, Art. 184 para. 4, available at www.zakon.hr/z/174/Zakon-o-kaznenom-postupku.

⁹⁹ Croatia, The Criminal Procedure Act (*Zakon o kaznenom postupku*) (2014), Official Gazette (*Narodne novine*) Nos. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13, 145/13, and 152/14, 17 December 2014, Art. 184 para. 5, available at www.zakon.hr/z/174/Zakon-o-kaznenom-postupku.

¹⁰⁰ Croatia, representative of the Municipal State Attorney's Office in Zagreb.

¹⁰¹ Croatia, The Criminal Procedure Act (*Zakon o kaznenom postupku*) (2014), Official Gazette (*Narodne novine*) Nos. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13, 145/13, and 152/14, 17 December 2014, Art. 184a para. 1, available at www.zakon.hr/z/174/Zakon-o-kaznenom-postupku.

¹⁰² See in particular Articles 3 - 8 and relevant recitals of Directive 2012/13/EU.

	a) information on procedural rights	English, German , Italian, French , Albanian , Czech, Hungarian , Macedonian , Romanian , Slovenian, Turkish , Bulgarian , Bosnian, Serbian and Montenegrin ¹⁰³		
	b) letter of rights	English, German , Italian, French , Albanian , Czech, Hungarian , Macedonian , Romanian , Slovenian, Turkish , Bulgarian , Bosnian, Serbian and Montenegrin.		
	c) information about the accusation	English, German , Italian, French , Albanian , Czech, Hungarian , Macedonian , Romanian , Slovenian, Turkish , Bulgarian , Bosnian, Serbian and Montenegrin.		
	d) case materials	Translation of case materials to a certain language can be made available on the accused person's request . Written translation of evidence can be provided on request if the translation is necessary for the procedural rights of the defence. Exceptionally, oral translation or oral summary of the evidence will be provided if that does not violate the rights of the defence and the defendant is represented by a defence attorney ¹⁰⁴ .		
		Yes	No	Brief Description
5.2	Is there any procedure to ensure that suspects or accused persons have the right to challenge the failure or refusal to provide information on the following? If yes, briefly describe the procedure where relevant.			
	a) information on procedural rights	X		The Criminal Procedure Act ensures the protection of procedural rights of the defence ¹⁰⁵ . If, after receipt of the decision on the initiation of the investigation or information on an ongoing investigation, the accused person considers their rights have

¹⁰³ Croatia, representative of the Ministry of Internal Affairs, Police Department.

¹⁰⁴ Croatia, The Criminal Procedure Act (*Zakon o kaznenom postupku*) (2014), Official Gazette (*Narodne novine*) Nos. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13, 145/13, and 152/14, 17 December 2014, Art. 8 para. 6, available at www.zakon.hr/z/174/Zakon-o-kaznenom-postupku.

¹⁰⁵ Croatia, The Criminal Procedure Act (*Zakon o kaznenom postupku*) (2014), Official Gazette (*Narodne novine*) Nos. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13, 145/13, and 152/14, 17 December 2014, Art. 239a, available at www.zakon.hr/z/174/Zakon-o-kaznenom-postupku.

			been denied or violated, they may file a written complaint to the state attorney. The state attorney must decide on the complaint within eight days. If the state attorney's decision is negative, the written complaint, along with the case file must be submitted to the investigating judge for the final decision ¹⁰⁶ .
	b) letter of rights	X	Regulated under the same rule as item 5.2.a) above.
	c) information about the accusation	X	Regulated under the same rule as item 5.2.a) above.
	d) access to case materials	X	The state attorney may decide to deny the accused person their right to access case materials under the circumstances stipulated in the Criminal Procedure Act. In that case, the accused person has the right to appeal against the decision within three days. The appeal must be submitted to the state attorney, who is obliged to deliver the appeal to the investigating judge. The investigating judge must decide on the appeal within 48 hours. ¹⁰⁷
5.3	Is any official record kept to note the provision of information about the following? If yes, briefly describe where relevant.		
	a) information on procedural rights	X	Information on procedural rights is an integral part of the letter of rights. Before the first questioning, the accused person signs a statement confirming that they received the letter of rights in a written form ¹⁰⁸ . At each subsequent questioning, the accused person is reminded of the signed statement, which is noted in the official record.
	b) letter of rights	X	Regulated under the same rule as item 5.3. a) above.
	c) information about the accusation	X	Information about the accusation is an integral part of the letter of rights. As stated above (5.3.a), before the first questioning, the accused person signs a statement confirming that they received the letter of rights (and were informed about the accusation) in a written form.

¹⁰⁶ Croatia, representative of the Municipal State Attorney's Office in Zagreb.

¹⁰⁷ Croatia, representative of the Municipal State Attorney's Office in Zagreb.

¹⁰⁸ Croatia, The Criminal Procedure Act (*Zakon o kaznenom postupku*) (2014), Official Gazette (*Narodne novine*) Nos. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13, 145/13, and 152/14, 17 December 2014, Art. 275 para. 1, available at www.zakon.hr/z/174/Zakon-o-kaznenom-postupku.

	d) access to case materials	X		Right to access case materials is an integral part of the letter of rights. As stated above (5.3.a and c), before the first questioning, the accused person signs a statement confirming that they received the letter of rights (and were informed about their right to access the case materials) in a written form.
5.4	<p>Are there special procedures designed to take into account the special needs of vulnerable suspects or vulnerable accused persons (e.g. because of any physical impairments which affect their ability to communicate effectively (persons with hearing, sight or speech impediments), intellectual disabilities or in case of children and the holder of parental responsibility) in relation to:</p> <p>a) suspect or accused persons with physical impairment or disability;</p> <p>b) suspect or accused persons intellectual impairment or disability;</p> <p>c) suspect or accused children who are suspects/defendants and/or the holder of parental responsibility.</p> <p>If yes, briefly provide information on those mechanisms in relation to each of the listed vulnerable</p>			

groups. Is this information in simple and accessible language?				
• information on procedural rights	a)	X		The Criminal Procedure Act provides that the accused persons have the right to use their own language or language they understand, including the sign language. If the accused person cannot hear or speak, they have the right to interpretation (which by analogy relates to the information on procedural rights) ¹⁰⁹ . To safeguard those rights, if the accused person cannot hear or speak, they must be represented by a defence counsel from the first questioning ¹¹⁰ .
	b)	X		The information on procedural rights is an integral part of the letter of rights. Establishing the rules for different stages of the proceedings, the law obliges authorities in charge to ensure that the arrested and /or accused person received and understood the letter of rights ¹¹¹ . Specific legal provisions oblige the police, the authority conducting the first questioning and the presiding judge to make sure the arrested/accused person understood the letter of rights and, if necessary, to explain the rights in an understandable manner ¹¹² .
	c)		X	
• letter of rights	a)	X		The Criminal Procedure Act provides that the accused persons have the right to use their own language or language they understand, including the sign language. If the accused person cannot hear or speak, they have the right to interpretation ¹¹³ . To safeguard those rights, if the accused person cannot hear or speak, they must be represented by a defence counsel from the first questioning ¹¹⁴ .

¹⁰⁹ Croatia, The Criminal Procedure Act (*Zakon o kaznenom postupku*) (2014), Official Gazette (*Narodne novine*) Nos. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13, 145/13, and 152/14, 17 December 2014, Art. 8 para. 3, available at www.zakon.hr/z/174/Zakon-o-kaznenom-postupku.

¹¹⁰ Croatia, The Criminal Procedure Act (*Zakon o kaznenom postupku*) (2014), Official Gazette (*Narodne novine*) Nos. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13, 145/13, and 152/14, 17 December 2014, Art. 66, available at www.zakon.hr/z/174/Zakon-o-kaznenom-postupku.

¹¹¹ Croatia, The Criminal Procedure Act (*Zakon o kaznenom postupku*) (2014), Official Gazette (*Narodne novine*) Nos. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13, 145/13, and 152/14, 17 December 2014, Art. 108, para. 6; Art. 111, para. 1; Art. 273, para. 1; Art. 350, para. 1; Art. 413, para. 2, available at www.zakon.hr/z/174/Zakon-o-kaznenom-postupku.

¹¹² Croatia, The Criminal Procedure Act (*Zakon o kaznenom postupku*) (2014), Official Gazette (*Narodne novine*) Nos. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13, 145/13, and 152/14, 17 December 2014, Art. 108, 273 and 413, available at www.zakon.hr/z/174/Zakon-o-kaznenom-postupku.

¹¹³ Croatia, The Criminal Procedure Act (*Zakon o kaznenom postupku*) (2014), Official Gazette (*Narodne novine*) Nos. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13, 145/13, and 152/14, 17 December 2014, Art. 8 para. 3, available at www.zakon.hr/z/174/Zakon-o-kaznenom-postupku.

¹¹⁴ Croatia, The Criminal Procedure Act (*Zakon o kaznenom postupku*) (2014), Official Gazette (*Narodne novine*) Nos. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13, 145/13, and 152/14, 17 December 2014, Art. 66, available at www.zakon.hr/z/174/Zakon-o-kaznenom-postupku.

		b)	X	Establishing the rules for different stages of the proceedings, the law obliges authorities in charge to ensure that the arrested and /or accused person received and understood the letter of rights ¹¹⁵ . Specific legal provisions oblige the police, the authority conducting the first questioning and the presiding judge to make sure the arrested/accused person understood the letter of rights and, if necessary, to explain the rights in an understandable manner ¹¹⁶ .
		c)	X	
• information about the accusation		a)	X	The Criminal Procedure Act provides that the accused persons have the right to use their own language or a language they understand, including the sign language. If the accused person cannot hear or speak, they have the right to interpretation ¹¹⁷ (which by analogy relates to the information about the accusation). Moreover, if the accused person cannot hear or speak, they must be represented by a defence counsel from the first questioning ¹¹⁸ .
		b)	X	The information about the accusation is an integral part of the letter of rights. Establishing the rules for different stages of the proceedings, the law obliges authorities in charge to ensure that the arrested and /or accused person received and understood the letter of rights ¹¹⁹ . Specific legal provisions oblige the police, the authority conducting the first questioning and the presiding judge to make sure the arrested/accused person understood the letter of rights and, if necessary, to explain the rights in an understandable manner ¹²⁰ .
		c)	X	

¹¹⁵ Croatia, The Criminal Procedure Act (Zakon o kaznenom postupku) (2014), Official Gazette (Narodne novine) Nos. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13, 145/13, and 152/14, 17 December 2014, Art. 108, para. 6; Art. 111, para. 1; Art. 273, para. 1; Art. 350, para. 1; Art. 413, para. 2, available at www.zakon.hr/z/174/Zakon-o-kaznenom-postupku.

¹¹⁶ Croatia, The Criminal Procedure Act (Zakon o kaznenom postupku) (2014), Official Gazette (Narodne novine) Nos. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13, 145/13, and 152/14, 17 December 2014, Art. 108, 273 and 413, available at www.zakon.hr/z/174/Zakon-o-kaznenom-postupku.

¹¹⁷ Croatia, The Criminal Procedure Act (Zakon o kaznenom postupku) (2014), Official Gazette (Narodne novine) Nos. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13, 145/13, and 152/14, 17 December 2014, Art. 8 para. 3, available at www.zakon.hr/z/174/Zakon-o-kaznenom-postupku.

¹¹⁸ Croatia, The Criminal Procedure Act (Zakon o kaznenom postupku) (2014), Official Gazette (Narodne novine) Nos. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13, 145/13, and 152/14, 17 December 2014, Art. 66, available at www.zakon.hr/z/174/Zakon-o-kaznenom-postupku.

¹¹⁹ Croatia, The Criminal Procedure Act (Zakon o kaznenom postupku) (2014), Official Gazette (Narodne novine) Nos. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13, 145/13, and 152/14, 17 December 2014, Art. 108, para. 6; Art. 111, para. 1; Art. 273, para. 1; Art. 350, para. 1; Art. 413, para. 2, available at www.zakon.hr/z/174/Zakon-o-kaznenom-postupku.

¹²⁰ Croatia, The Criminal Procedure Act (Zakon o kaznenom postupku) (2014), Official Gazette (Narodne novine) Nos. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13, 145/13, and 152/14, 17 December 2014, Art. 108, 273 and 413, available at www.zakon.hr/z/174/Zakon-o-kaznenom-postupku.

<ul style="list-style-type: none"> access to case materials 	a)	X		The Criminal Procedure Act provides that the accused persons have the right to use their own language or language they understand, including the sign language. If the accused person cannot hear or speak, they have the right to interpretation ¹²¹ (which by analogy relates to the information about the right to access to case files). To safeguard those rights, if the accused person cannot hear or speak, they must be represented by a defence counsel from the first questioning ¹²² .
	b)	X		Information about the right to access the case materials is an integral part of the letter of rights. Establishing the rules for different stages of the proceedings, the law obliges authorities in charge to ensure that the arrested and /or accused person received and understood the letter of rights ¹²³ . Specific legal provisions oblige the police, the authority conducting the first questioning and the presiding judge to make sure the arrested/accused person understood the letter of rights and, if necessary, to explain the rights in an understandable manner ¹²⁴ .
	c)		X	

¹²¹ Croatia, The Criminal Procedure Act (Zakon o kaznenom postupku) (2014), Official Gazette (Narodne novine) Nos. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13, 145/13, and 152/14, 17 December 2014, Art. 8 para. 3, available at www.zakon.hr/z/174/Zakon-o-kaznenom-postupku.

¹²² Croatia, The Criminal Procedure Act (Zakon o kaznenom postupku) (2014), Official Gazette (Narodne novine) Nos. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13, 145/13, and 152/14, 17 December 2014, Art. 66, available at www.zakon.hr/z/174/Zakon-o-kaznenom-postupku.

¹²³ Croatia, The Criminal Procedure Act (Zakon o kaznenom postupku) (2014), Official Gazette (Narodne novine) Nos. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13, 145/13, and 152/14, 17 December 2014, Art. 108, para. 6; Art. 111, para. 1; Art. 273, para. 1; Art. 350, para. 1; Art. 413, para. 2, available at www.zakon.hr/z/174/Zakon-o-kaznenom-postupku.

¹²⁴ Croatia, The Criminal Procedure Act (Zakon o kaznenom postupku) (2014), Official Gazette (Narodne novine) Nos. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13, 145/13, and 152/14, 17 December 2014, Art. 108, 273 and 413, available at www.zakon.hr/z/174/Zakon-o-kaznenom-postupku.

