

Sound recording

Article 238

(1) At the request of the person interrogated or at the initiative of the pre-trial body, a sound recording may be made of which the person interrogated shall be informed prior to the beginning of interrogation.

(2) The sound recording shall contain the information indicated in Article 129, paragraph (1), and Article 237.

(3) The sound recording of part of the interrogation or the repetition, especially for the sound recording, of part of the interrogation, shall not be allowed.

(4) Upon completion of the interrogation the sound recording shall be played in full to the person interrogated. Additional explanations and testimonies shall also be reflected in the sound recording.

(5) The sound recording shall end with a declaration by the person interrogated that it reflects correctly the explanations and testimonies given thereby.

Interrogation record in the case of sound recording

Article 239

(1) The investigative body shall draw up interrogation record also where a sound recording has been made.

(2) (New, SG No. 98/2020) The sound recording shall be made on an electronic carrier for a single recording, on which the signatures of the pre-trial body and the participants who are present, and the date of the conducted action on the investigation shall be placed.

(3) (Renumbered from Paragraph 2, SG No. 98/2020) The record shall comprise: the major circumstances of the interrogation; the decision to make a sound recording; the notification of the person interrogated of the sound recording; the remarks made by the person interrogated in relation to the sound recording; the reproduction of the sound recording before the person interrogated and the statement of the pre-trial body and of the person interrogated as to the correctness of the sound recording.

(4) (Renumbered from Paragraph 3, SG No. 98/2020) The sound recording shall be enclosed with the record, after it has been sealed with a note indicating: the body conducting the interrogation; the case, the name of the person interrogated and the date of interrogation. The note shall be signed by the pre-trial body and the interrogated person.

(5) (Renumbered from Paragraph 4, SG No. 98/2020) Breaking the seal of the sound recording for the needs of investigation shall be allowed only by authorisation of the prosecutor and in the presence of the person interrogated. While playing the sound recording, the person interrogated shall also be present.

(6) (Renumbered from Paragraph 5, SG No. 98/2020) After hearing, the sound recording shall be sealed again, pursuant to paragraph (3).

Video recording

Article 240

The provisions of Articles 237 - 239 shall apply to making video recording, mutatis mutandis.