

Croatia / Croatie

1. What are the general official measures taken for reacting to and implementing the decisions of international courts and treaty monitoring bodies?

Courts make decisions based on the Constitution of the Republic of Croatia, international treaties, which are part of the legal order of the Republic of Croatia and laws and regulations adopted in accordance with the Constitution of the Republic of Croatia, international treaties and international law.

E.g.: "All judgments and decisions in ECHR v. Croatia cases are binding for the State."

2. Based on your answer to the 1st question, what are the measures taken particularly for the practical independence of the prosecution services and individual prosecutors? Can you give examples?

The independence of the prosecutor is guaranteed by constitution and law. Appointments, dismissals and disciplinary proceedings are fall under the competence of DOV (Državno-odvjetničko vijeće – State Attorneys Council), that makes decisions based on the vote of majority. The Council consists mostly of prosecutors.

3. Are these measures reflected in the law or in the prosecution policy or debate?

This is determined by the constitution and the law.

4. If yes, then were there any changes in the prosecution system as a consequence of such measures?

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5. Are there also national decisions of the Supreme or Constitutional Courts, or any other highest judicial body at national level, dealing with the question of independence of prosecutors?

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6. Does the prosecution system in your country belong to the judiciary?

Yes. This is defined by the Constitution and the State Attorney's Act.

7. Are prosecutors and prosecution services independent or autonomous from the executive and legislative branches of state power?

Yes. This is defined by the Constitution, the State Attorney's Act and Act on Courts.

8. Is there a Council of Prosecutors or a similar equivalent body which can be considered as a mechanism to monitor and ensure prosecutorial independence, including in the way in which the prosecution services operate?

Yes. State Attorney's Council.

9. How many of its members are elected by their peers, and does the prosecution policy or the debate within the judiciary produce any impact on the election of the members of the Council of Prosecutors?

The Council has eleven members: seven deputy state attorneys, two members of the Croatian Parliament, one of whom is from the opposition and two university law professors.

All State Attorneys and Deputy State Attorneys have the right to vote in the election for the members of the Council (DOV).

The DOV makes decisions by majority vote.

10. Who has the initiative of disciplinary proceedings?

The request for instituting proceedings for committing a disciplinary offense may be submitted by the immediately higher State Attorney, Attorney General of the Republic of Croatia or minister responsible for justice.

11. Are prosecutors appointed for life or do they have to fulfil successive terms? Of how many years?

Yes, the appointment is for life.

12. Are the rules regarding appointment, transfer, promotion and discipline of prosecutors similar to those of judges?

Yes, they are quite similar.

13. May the government instruct the prosecution services, for instance, to prosecute or not to prosecute? Are instructions general or specific in nature? Are they given in writing? Can the prosecution challenge them?

The government cannot or should not do so.

14. Are the instructions of superior prosecutors given in writing to those under their supervision? Can these instructions be challenged or refused?

14.1. They may be given in writing.

14.2. Yes.

15. Which are, if any, the main initiatives in terms of training to strengthen the awareness about the *de facto* dimension of the prosecutorial independence?

The question is unclear. If it concerns the State Attorney's system, then the answer is: regular education of all public prosecutors is conducted, and very often on the topic of public prosecutors independence. In addition, the public prosecutors independence is addressed at numerous international conferences attended by the public prosecutors, and then subsequently analysed at the State Attorney's Office.

16. To what extent the media cover the decisions of international courts and treaty bodies as regards the practical independence of prosecutors?
17. To what extent the prosecutor offices interact with the broad public as regards the decisions of international courts and treaty bodies related to the practical independence of prosecutors?

The question is unclear: The State Attorney's Office of the Republic of Croatia has its own spokespersons that communicates with the public whenever there is interest. Therefore, if there is such a decision, and the interest of the public or the interest of the State Attorney's Office, it will be subject to "such cooperation".