

No. 2456/05

The Ministry of Foreign Affairs of the Republic of Croatia presents its compliments to the Director of the Division for the Advancement of Women, Department of Economic and Social Affairs, and pursuant to the Note of the Secretary-General of the United Nations concerning the General Assembly Resolution entitled "In-depth study on all forms of violence against women", has the honor to provide information as follows:

1. Pursuant to the provisions of the Constitution of the Republic of Croatia, Convention on Elimination of All Forms of Discrimination against Women, the Family Act, Act on Protection against Family Violence, Act on Gender Equality, the Misdemeanour Act and the National Policy for Promotion of Gender Equality with the implementation programme of the national policy for gender equality promotion in the Republic of Croatia from 2001 to 2005, the Republic of Croatia is attaching great importance to eliminate violence against women. Therefore, within legislative and executive government in Croatia, the Committee on Gender Equality of the Croatian Parliament, Office for Gender Equality of the Government of the Republic of Croatia, Commissions for Gender Equality at County governments and the institutions of Ombudsman for gender equality have been organised systematically working with the objective of protecting women victims against all forms of violence.

One of the key activities of the Ministry of Family, Veterans' Affairs and Intergeneration Solidarity is the development of *National Strategy of Protection against Domestic Violence for the period 2005 - 2007*, aimed at improving the quality of life of women and children victims of violence and general improvement of protection against violence in family, adopted by the Government of the Republic of Croatia in 2004

A special value of the National Strategy of Protection against Family Violence is being reflected in its introducing the obligation of research, prevention and processing of all kinds of violence in the family at all the competent bodies; furthermore in preventive activities, provision of assistance and informing on the issues of violence in family pursuant to the recently adopted Recommendation 1681(2004) of the Committee of ministers on pronouncing the year 2006 as the *Year of the Campaign to Combat Domestic Violence against Women in Europe*, ensuring a systematic and planned combat against family violence and contribution to realisation of a policy of gender equality and cooperation of NGOs acting within their programme with the objective of protecting the violence victims and government bodies when drafting the National Strategy.

**Director of the Division
For the Advancement of Women
Department of Economic
And Social Affairs
United Nations**

Having in mind that domestic violence is a discrimination and that most often women are victims of domestic violence, but that is necessary to ensure protection of all the victims of domestic violence regardless to gender, the National Strategy contains a total of 27 long-term and short-term measures. Pursuant to the set deadlines, an implementation of several measures is currently in progress, namely the following documents are being drafted: an *Analysis of legislation by means of which family violence is being sanctioned in relation to the EU legislation*, the proposals are amendments of legislation obtained by the analysis which shall be inserted as proposals for amendments to the Criminal Code, Misdemeanours Act and Act on protection against family violence; an *Analysis of shelters for women and children victims of family violence with a draft proposal of measures for improvement of situation and stimulation of work of the existent ones and opening of new shelters*; *Ordinance on criteria for establishment and operation of shelters for women and children victims of family violence*, that have to be completed by mid-May 2005; an *Intervention Protocol in Case of Family Violence* that shall beside a definition of family violence also contain obligations of competent government bodies and other factors participating in prevention, discovering and suppression of violence, and modes, forms and content of cooperation; *Analysis of situation and training of all the persons involved in issues of family violence* and also *programmes for their continuing training*.

As a particularly important measure of the National Strategy we are emphasizing a measure relating to marking with the designation *urgent* of all the court cases relating to domestic violence, in order for them to obtain priority in processing, and to conduct the court procedures in cases of performed family violence as urgent as possible. The Ministry of Family, Veterans' Affairs and Intergeneration Solidarity has compiled an *Address Book of Institutions, Organisations and other Institutions providing assistance, support and protection for victims of family violence*. The Address book contains addresses and telephone numbers of organisations and institutions in the Republic of Croatia whom the victims of domestic violence can turn to in case of need and obtain advice or other form of assistance, support or accommodation.

As one of the most important activities we are emphasizing the pronouncing of 22 September to be the National day of combating violence against women, because on 22 September 1999 there three women were murder victims in the Municipal Court in Zagreb. The international day for the elimination of violence against women, 25 November, is also being marked in Croatia every year.

2. As for the police records of domestic violence in the Republic of Croatia the following are the data for the period 1 January 1999 to 31 December 2004:

- 70,754 calls received, asking for the police protection against domestic violence;
- the police intervened in 70,605 cases or 99.78%;
- 14,706 persons were brought to the police station;
- 10,739 persons were detained by the police in order to protect the victim against possible continued violence;
- misdemeanour charges were pressed against 49,233 persons for offences committed through domestic violence or in relation to it (e.g., violation of public order, violation of arms regulations, etc.);
- criminal charges were pressed against 9,436 persons for a criminal act committed through domestic violence;
- 77,486 persons harmed as a result of domestic violence.

In 2004, 14,785 requests were made for police intervention to protect against family violence, or 40.50 as daily average; the police intervened in 14,759 cases or 40 daily on the average; 4,404 persons or 8.29 daily on the average were brought in the police station; 3,410 persons or 10.7 daily on the average were detained at the police; misdemeanour charges on account of domestic violence were pressed against 12,333 persons or 33.78 on the average daily; criminal charges on account of domestic violence were pressed against 2,864 persons or 7.84 on the average daily, with a total of 19,475 persons or 53.35 daily on the average injured by domestic violence.

Measures taken by the police in this respect cover the period 1 January 1999 to 31 December 2004:

1999		2000	2001	2002	2003	2004	Total
							70754
8357	9227		11197	12812	14253	14759	70605
765	1661		1806	2588	3482	4404	14706
438	1009		1079	1963	2840	3410	10739
4119	5958		7399	8926	10498	12333	49233
771	834		1231	1671	2065	2864	9436
6697	9674		11375	13645	16620	19475	77486
2179	3138		3112	3747	4021	4390	20587
1306	3138		4104	4615	6175	10672	30010

Data referring to violent behaviour within the family (article 118 in connection with article 362 of the Family Act effective as of 1 July 1999; article 4 of the Act on Protection against Family Violence effective as of 30 July 2003) show that in the period 1 July 1999 to 31 December 2004 the police pressed charges against 36,187 perpetrators. A total of 49,199 persons were injured in incidents involving domestic violence, of which 33,074 victims or 67.22% were women.

1 July 1999 to 31 December 2004

YEAR	1 July 1999	2000	2001	2002	2003	2004	TOTAL
Misdemeanour charges pressed	353	3410	5004	6600	9151	11669	36187
Persons brought before the magistrate	78	491	559	1064	1655	2525	6372
Injured parties	624	5325	7159	9182	12260	14649	49199
Injured minors	254	2245	1954	2263	2678	2733	12127
Injured women	452	3761	4850	6217	8209	9585	33074
Minor witnesses	286	2207	2111	2562	3115	3665	13946

The table below illustrates a trend of gradual decline in the proportion of female victims: 72.43% in 1999, 70.63% in 2000, 67.75% in 2001, 67.71% in 2002, 66.96% in 2003, with a slight rise in 2004 (67.22%) compared with the total number of injured persons.

1 July 1999 - 31 December 2004

Year	Misdemeanour charges pressed	Total number of injured parties	Number of injured women
1 July 1999	353	624	452 /72.43%/
2000	3410	5325	3761 /70.63%/
2001	5004	7159	4850 /67.75%/
2002	6600	9182	6217 /67.71%/
2003	9151	12260	8209 /66.96%/
2004	11669	14646	9585 (65.44)
TOTAL	36187	49196	33074 /67.23%/

A breakdown by the kinship or other relation between the perpetrator and the female victim shows the perpetrator to be the victim's husband in 15,817 or 47.82% cases out of the total of 33,074 involving women injured through this type of offence, father in 5,901 or 17.84%, son in 4,124 or 12.47%, common-law husband in 2,260 or 6.83%, mother in 721 or 2.17%, former husband in 650 or 1.96%, etc.

Breakdown by relationship, 1 July 1999 to 31 December 2004

Perpetrators of domestic violence against female victims	1 July 1999	2000	2001	2002	2003	2004	TOTAL
Father	137	988	954	1104	1361	1441	5905
Mother	15	51	106	146	193	210	721
Husband	203	1919	2436	3048	4027	4184	15917
Former husband	4	40	64	87	151	304	650
Stepmother		2	4	2	7	1	16
Stepfather	2	31	27	44	71	51	226
Grandfather	1	28	17	57	48	82	233
Grandmother	1	4	10	19	19	19	72
Common-law husband	26	182	291	423	552	786	2260
Son	30	359	560	759	1043	1373	4124
Daughter	3	23	32	50	56	70	234
Other	30	218	349	478	681	1064	2820
TOTAL	452	3761	4850	6217	8209	9585	33074

An analysis of data relating to the offence of violent behaviour within the family, as established in article 215.a of the Criminal Code (effective since 1 January 2001) indicates that in the period 1 January 2001 to 31 December 2004 the police detected 1,321 persons and pressed criminal charges against them for 3,636 criminal acts involving violent behaviour within the family, with 4,150 injured parties of whom 3,207 or 77.27% were women. An upward trend was recorded in the number of detected and reported offences of this kind, exemplified by the fact that 1,463 such offences were reported in 2004, or 30.85 more than in 2003 (1,118), and by 82.7% more than in 2002 (612), which in turn is by 38.14% more than in 2001 (443).

1 January 2001 do 31 December 2004

YEAR	2001	2002	2003	2004	TOTAL
Number of committed criminal offences	443	612	1118	1463	3636
Number of reported perpetrators	148	229	427	517	1321
Total number of injured persons	514	722	1308	1606	4150
Number of injured women	408	573	997	1229	3207
Number of injured minors	77	92	157	137	463

The Ministry of Foreign Affairs of the Republic of Croatia avails itself of this opportunity to renew to the Division for the Advancement of Women, Department of Economic and Social Affairs the assurances of its highest consideration.

Appendix: Legal provisions regarding the violence against women in Criminal Code and Law on Criminal Procedure

Zagreb, May 12, 2005

Appendix: Concerning the legislation prohibiting the violence against women, the following are quotations of the legal provisions in Criminal Code and the Law on Criminal Procedure:

Criminal Code

- Article 91 Aggravated Murder

Punishment by imprisonment for not less eight years or by long-term imprisonment shall be imposed on a person who:

1. murders a child or a minor;
2. murders a pregnant woman;
3. murders another in a very cruel or treacherous way;
4. murders from greed;
5. murders another in order to commit or to cover up another criminal offence;
6. murders another out of heedless vengeance or other base motives;
8. murders an official person at the time when such a person acts in the execution of his duty of protecting the constitutional order, safeguarding persons or property, discovering criminal offences, bringing in, arresting or preventing the escape of a perpetrator of a criminal offence, applying criminal sanctions and measures and keeping public order and peace.

- Article 175 Trafficking in Human Beings and Slavery

(1) Whoever, in violation of the rules of international law, by the use of force or threat to use force or by fraud, kidnapping, abuse of position of defencelessness or authority or in any other way solicits, purchases, sells, hands over, transports, transfers, encourages or mediates in the buying, selling or handing over, conceals or receives a person in order to establish slavery or a similar relationship, forced labour or servitude, sexual abuse or illegal transplantation of parts of a human body, or who keeps a person in slavery or in a similar relationship shall be punished by imprisonment for one to ten years.

(2) Whoever in violation of the rules of international law solicits, purchases, sells, hands over, transports, transfers, encourages or mediates in the buying, selling or handing over, conceals or receives a child or a juvenile in order to establish slavery or a similar relationship, forced labor or servitude, sexual abuse, prostitution or illegal transplantation of parts of a human body, or whoever keeps a child or a juvenile in slavery or in a similar relationship shall be punished by imprisonment not less than five years.

(3) If the criminal offence referred to in paragraphs 1 and 2 of this Article is committed while the perpetrator is a member of a group or a criminal organization, or if it is committed against a larger number of persons or has caused the death of one or more persons, the perpetrator shall be punished by imprisonment for not less than five years or by long term imprisonment.

4) Whether or not a person has acceded to forced labour or servitude, sexual abuse, slavery, to a relationship similar to slavery or to unlawful transplantation of the parts of his or her body is of no relevance for the existence of the criminal offence referred to in paragraphs 1 and 2 of this Article.

Article 177 Illegal Transfer of Persons across the State Border

- (1) Whoever, for lucrative purposes, illicitly transfers across the state border a person or a number of persons shall be punished by a fine or by imprisonment not exceeding three years.
- (2) If during the perpetration of the criminal offence referred to in paragraph 1 of this Article, the lives and the security of persons transferred across the state border are endangered or they are treated in an inhumane or humiliating way, the perpetrator shall be punished by imprisonment for six months to five years.
- (3) If the criminal offence referred to in paragraph 1 of this Article is committed while the perpetrator is a member of a group or a criminal organization, the perpetrator shall be punished for one to ten years.
- (4) A person who attempts to commit a criminal offence referred to in paragraph 1 of this Article shall be punished.

Article 178 International Prostitution

- (1) Whoever procures entices or leads away another person to offer sexual services for profit within a state excluding the one in which such a person has residence or of which he is a citizen shall be punished by imprisonment for six months to five years.
- (2) Whoever, by force or threat to use force or deceit, coerces or induces another person to go to the state in which he has no residence or of which he is not a citizen, for the purpose of offering sexual services upon payment, shall be punished by imprisonment for one to eight years.
- (3) If the criminal offence referred to in paragraphs 1 and 2 of this Article is committed against a child or a minor, the perpetrator shall be punished by imprisonment for not less than three years.
- (4) Whether or not the person procured, enticed, led away, forced or deceived into prostitution has already been engaged in prostitution is of no relevance for the existence of a criminal offence.

Article 188 Rape

- (1) Whoever coerces another by force or by threat of immediate attack upon his life or limb, or the life or limb of a person close to him, to sexual intercourse or an equivalent sexual act shall be punished by imprisonment for one to ten years.
- (2) Whoever commits the criminal offence referred to in paragraph 1 of this Article in a particularly cruel or humiliating way, or if on the same occasion a number of perpetrators perform a number of acts of sexual intercourse or equivalent sexual acts against the same victim shall be punished by imprisonment for not less than three years.

(3) If, by the criminal offence referred to in paragraph 1 of this Article, the death of the raped person is caused, or serious bodily injury is inflicted on the raped person or his health is severely impaired, or the (raped) female becomes impregnated, the perpetrator shall be punished by imprisonment for not less than three years.

(4) If the criminal offence referred to in paragraph 1 of this Article is committed against a juvenile, the perpetrator shall be punished by imprisonment for not less than three years.

(5) If the criminal offence referred to in paragraphs 2 and 3 of this Article is committed against a juvenile, the perpetrator shall be punished for not less than five years.

(6) If the criminal offence referred to in paragraph 2 of this Article causes the consequences referred to in paragraph 3 of this Article, the perpetrator shall be punished by imprisonment for not less than five years.

Article 189 Sexual Intercourse with a Helpless Person

(1) Whoever performs sexual intercourse or an equivalent sexual act with another person, taking advantage of his mental illness, temporary mental disorder, mental deficiency or some other more severe mental disturbance or any other condition which prevents such a person from resisting, shall be punished by imprisonment for one to eight years.

(2) Whoever commits the criminal offence referred to in paragraph 1 of this Article in a particularly cruel or humiliating way or if on the same occasion a number of perpetrators perform a number of acts of sexual intercourse or equivalent sexual acts against the same victim shall be punished by imprisonment for one to ten years.

(3) If, by the criminal offence referred to in paragraph 1 of this Article, the death is caused of the person against whom sexual intercourse or an equivalent sexual act is performed or serious bodily injury is inflicted on such a person, or his/her health is severely impaired, or the female victim is left pregnant, the perpetrator shall be punished by imprisonment for one to ten years.

(4) If, by the criminal offence referred to in paragraph 2 of this Article, the consequences referred to in paragraph 3 of this Article are caused, the perpetrator shall be punished by imprisonment for not less than three years.

Article 190 Sexual Intercourse by Duress

Whoever forces another person to sexual intercourse or to an equivalent sexual act with a serious threat of serious harm shall be punished by imprisonment for three months to five years.

Article 191 Sexual Intercourse by Abuse of Position

(1) Whoever, by abusing his/her position, induces another person to submit to sexual intercourse or an equivalent sexual act and where that person is in a position dependent towards him/her due to harsh material, family, social, health or any other conditions or

circumstances shall be punished by imprisonment for three months to three years.

(2) A teacher, educator, parent, adopter, guardian, step-father, step-mother or any other person who, by using his/her status or relationship towards a juvenile who is entrusted to him/her for education, upbringing, custody or care, performs sexual intercourse or an equivalent sexual act upon such a person, shall be punished by imprisonment for six months to five years.

Article 195 Pandering

(1) Whoever panders a child or a juvenile shall be punished by imprisonment for three months to three years.

(2) Whoever, for profit, organizes or assists another person in offering sexual services shall be punished by the punishment referred to in paragraph 1 of this Article.

(3) Whoever, for profit, by force or by threat to use force, or by deceit forces or induces another to offer sexual services shall be punished by imprisonment for six months to five years.

(4) If the criminal offence referred to in paragraphs 2 or 3 of this Article is committed against a juvenile, the perpetrator shall be punished by imprisonment for one to eight years.

(5) Whoever organizes or assists a child in offering sexual services shall be punished by imprisonment for three months to three years.

(6) If the criminal offence referred to in paragraphs 2 and 3 of this Article is committed against a child, the perpetrator shall be punished by imprisonment for one to ten years.

(7) Whether the person who is procured has already been engaged in prostitution is of no relevance to the existence of the criminal offence referred to in this Article.

Article 215 a *Violent Conduct within a Family*

A family member who by his or her violent, abusive or particularly insolent conduct puts another member of the family into a humiliating position shall be punished by imprisonment for three months to three years.

Criminal Procedure Act

- **Article 90**, para 2, subpara 4 (new cautionary measures as the prohibition to approach a certain person and prohibition to establish or maintain contacts with a certain person)

- **Article 238**, para 6 (Questioning by means of technical devices for video and audio taping of witnesses who cannot appear in court due to their old age, illness, serious physical disabilities or mental condition and who may give testimony in their dwellings or on any other premises where they are situated)

- **Article 238 a** (Refusal to disclose information if it is likely that by giving a testimony or by answering any individual question, a witness might expose himself or any other person close to himself to a serious danger to life, health, physical integrity, freedom or property of considerable volume)

- **Article 238 b** (witness protection measures)

- **Article 239** (considering the age, physical and mental health or other justifiable interests of the witness, he may be examined by means of technical devices for the transmission of image and sound, so that the parties may examine him without being present in the room where the witness is located.)

Article 90

(1) When circumstances exist which constitute the ground for detention stated in Article 105 of this Act, the court shall, if the same purpose may be achieved by any of the precautionary measures provided in this Article, issue a ruling with a statement of reasons ordering the defendant to carry out one or more precautionary measures. Such a defendant shall be warned that in the case of failure to carry out the ordered precaution it may be replaced by another precaution, by a more severe measure or by detention.

(1) Precautionary measures are:

- 1) prohibition to leave a residence,
- 2) prohibition to visit a certain place or a territory,
- 3) obligation of the defendant to call periodically a certain person or authority,
- 4) prohibition to approach a certain person and prohibition to establish or maintain contacts with a certain person,
- 5) prohibition to engage in a certain business activity,
- 6) temporary seizure of a passport or other document which serves to cross the state border,
- 7) temporary seizure of a license to drive a motor vehicle.

(3) Precautionary measures may not entail the restriction of a defendant's right to his own apartment, to unimpeded connections with members of his household, spouse or common-law spouse, parents, children, adopted child or adoptive parent, except where the proceedings are conducted on account of a criminal offence committed to the detriment of any of these persons. The prohibition of the pursuit of a business activity may also include a lawful professional activity if the proceedings have been instituted for the criminal offence committed within the activity in question.

(4) Precautionary measures may not restrain the right of a defendant to unimpeded communication with his defence counsel.

(5) Precautionary measures may be ordered for the whole duration of the criminal proceeding. Prior to the commencement of the criminal proceeding and in the course of investigation, the precautionary measures shall be ordered and vacated by the investigating judge, and when the indictment or motion to indict is preferred until the judgment becomes final by the panel or by the single judge.

(6) Precautionary measures may last as long as they are necessary and at the longest until the judgment becomes final. The investigating judge, the single judge or the panel shall examine every two months by virtue of the office whether the need for the precautionary measures still exists and issue a ruling prolonging them or vacating them if they are not needed any more. The precautionary measures may be vacated even before the expiry of two months if the need for them ceases to exist or if there are no longer legal conditions for their application.

(7) Against the ruling ordering, prolonging or vacating a precautionary measure, parties may file an appeal that does not stay the execution of the ruling. The panel referred to in Article 18 paragraph 4 or Article 20 paragraph 2 of this Act shall decide on the appeal against the ruling of the investigating judge or the single judge.

(8) If the investigating judge disagrees with the application of the precaution proposed by the State Attorney in the course of the investigation, he shall render a ruling rejecting the motion of the State Attorney. The ruling of the investigating judge is subject to appellate review which does not stay the execution of the ruling and the panel referred to in Article 18 paragraph 4 or Article 20 paragraph 2 of this Act shall decide on the appeal.

(9) If it is likely that an offence against safety in traffic has been committed, the police authority that came to the place of commission may for up to three days seize the license to drive a motor vehicle from the person against whom there are grounds for suspicion that he is the perpetrator.

Article 248 (238)

(1) Witnesses shall be examined separately and in the absence of other witnesses. The witness shall be bound to give his answers orally.

(2) The witness shall first be asked about his first name and surname, his father's first name, occupation, place of residence, place of birth, age and his relation to the defendant and the injured person.

(3) Thereafter, the witness shall be informed of his duty to tell the truth and not to withhold anything and that giving false testimony is a criminal offence. The witness shall be instructed that he is not bound to answer the questions referred to in Article 246 of this Act and this instruction shall be entered in the record.

(4) When a minor is examined, especially if the minor is the injured person, special care shall be taken lest the examination have a harmful effect on the mental condition of the minor.

(5) When a witness examined is a child who has been injured by the criminal offence, the examination is carried out with the assistance of a psychologist, educator or other expert person. An investigating judge shall order that the examination be video-taped and audio-taped. The examination shall be carried out in the absence of the judge and parties in a room where the child is situated in such a manner that the child can be questioned by the parties through the investigating judge, psychologist, educator or other expert person.

(6) Witnesses who cannot appear in court due to their old age, illness, serious physical disabilities or mental condition may give testimony in their dwellings or on any other premises where they are situated. These witnesses may be questioned by means of technical devices for video and audio taping. If required so by the condition of a witness, the questioning shall be organized in such a manner that the witness can be questioned by the parties without their presence in a room where the witness is situated. For the purpose of carrying out such a questioning, an expert person referred to in Article 211 paragraph 8 of this Act shall be appointed, and if necessary a physician expert witness or any other expert person or an interpreter.

Article 249 (238a)

(1) If it is likely that by giving a testimony or by answering any individual question, a witness might expose himself or any other person close to himself to a serious danger to life, health, physical integrity, freedom or property of considerable volume (witness in danger), the witness is entitled to refuse to disclose information referred to in Article 248 paragraph 2 of this Act, to refuse to answer to individual questions or to refuse to testify at all until witness protection measures have been provided.

(2) Witness protection includes a special manner of questioning a witness and of his participation in the proceedings as well as measures for protecting the witness and other persons close to the witness not participating in the proceedings.

(3) Special manners of questioning a witness and of his participation in the proceedings are stipulated in this Act, unless otherwise prescribed by a special act, and they can be implemented even before the commencement of the proceedings.

(4) Protection of a witness and other persons close to the witness not participating in the proceedings is prescribed by a special act.

Article 250 (238b)

(1) If a witness declares his refusal to testify in accordance with Article 249 paragraph 1 of this Act during the examination, an investigating judge shall interrupt the examination if he believes that the existence of the threat referred to in Article 249 paragraph 1 of this Act is justified, and he shall immediately notify the State Attorney thereof by delivering him a copy of the record with the request to submit within three days at the latest a written justifiable suggestion of implementing a special manner of examination and participation of the witness

in the proceedings and a report on measures for the protection of the witness and other persons close to the witness not participating in the proceedings if needed. If the investigating judge finds the refusal to testify not to be justified, he will proceed in accordance with Article 257 of this Act.

(2) If the State Attorney fails to submit the suggestion of implementing a special manner of examining the witness within the period specified in paragraph 1 of this Article, or if the State Attorney suggests that the witness be examined in accordance with general rules, the investigating judge shall request the panel referred to in Article 20 paragraph 2 of this Act to make a decision.

(3) In the case referred to in paragraph 2 of this Article, the panel is obliged to make a decision within the period of three days at the latest.

Article 251 (238c)

(1) The suggestion for implementing a special manner of participation and examination of a witness in the proceedings is submitted by the State Attorney to the investigating judge in a sealed cover with the note "Witness in Danger - Confidential". The State Attorney shall specify in his suggestion a special manner of participation in the proceedings and a special manner of examination of a witness suggested as well as the reasons for suggesting them. Enclosed to the suggestion, the State Attorney shall also submit measures of protecting a witness and other persons close to the witness not participating in the proceedings that have been accepted by an authority carrying out the witness protection program as well as information relating to the beginning of their implementation.

(2) The State Attorney can submit the suggestion from paragraph 1 of this Article to the investigating judge before the first examination of the witness.

(3) If, after giving consideration, the investigating judge finds the suggestion submitted by the State Attorney not to be justified, the investigating judge shall request the panel referred to in Article 20 paragraph 2 of this Act to make a decision thereupon.

(4) If the investigating judge accepts the suggestion submitted by the State Attorney, he shall determine a pseudonym for a witness as well as a special manner of examination and of participation in the proceedings. The parties and the witness have the right to appeal against a ruling of the investigating judge.

(5) In cases referred to in paragraphs 3 and 4 of this Article, the panel is obliged to make a decision within the period of three days at the latest.

(6) Data about the witness to be examined and to participate in the proceedings in a special manner shall be put by the investigating judge into a special and sealed cover and

submitted for safeguarding to an authority carrying out the witness protection program. This shall be entered in the file under the pseudonym of the witness in danger. The sealed cover containing data on the witness can exceptionally be requested from the authority carrying out the witness protection program and opened only by a second instance court when making a decision on an appeal against a verdict. The note shall be written on the cover stating that it has been opened and the names of the panel members who were familiarized with its contents shall be listed. After the members of the panel have become familiar with its contents, the cover shall be sealed again and returned to the authority carrying out the witness protection program.

(7) After the ruling on the special manner of participating and examining a witness comes into force, the investigating judge shall schedule a hearing and deliver a summons to the witness in a way to ensure that the measures of protecting the witness and other persons close to the witness are carried out.

Article 252 (238d)

(1) The investigating judge shall examine a witness in a manner stipulated in the ruling referred to in Article 251 paragraph 4 of this Act. If the special manner of examining a witness refers only to non-disclosure of information referred to in Article 248 paragraph 2 of this Act, the examination shall be carried out under a pseudonym. As regards its other parts, the examination of a witness shall be carried out pursuant to the general provisions of this Act relating to the examination of witnesses.

(2) If the special manner of examination and participation of a witness in a proceedings refers not only to non-disclosure of information referred to in Article 248 paragraph 2 of this Act but also to the concealing of the witness's appearance, the examination shall be carried out by using technical devices for video and audio taping. The technical devices shall be operated by an expert person referred to in Article 211 paragraph 8 of this Act. The appearance and the voice of the witness shall be changed during the examination. In the course of the examination, the witness shall be situated in a room separated from the room in which the investigating judge and other persons attending the examination are situated.

(3) After the examination has been completed, the witness shall sign the record with the pseudonym in the presence of the investigating judge and the court reporter only.

(4) Persons to whom information on the witness referred to paragraphs 1 and 2 of this Article has been disclosed in any capacity are obliged to keep such information confidential.

Article 254 (239)

(1) After general questions, the witness shall be called upon to state everything known to him about the case, whereupon questions shall be directed to him in order to check, complete or

clarify his testimony. It is forbidden to deceive the witness or to ask leading questions.

(2) The witness shall always be asked to indicate the source or his knowledge regarding the testimony given.

(3) Witnesses may be confronted if their testimonies do not correspond regarding the relevant facts. The confronted witnesses shall be separately examined on any circumstance where their testimonies do not correspond, and their answer shall be entered in the record. Only two witnesses may be confronted at a time.

(4) The injured person testifying as a witness shall be asked whether he intends to assert a claim for indemnification in the criminal proceedings.

(5) Taking into consideration his age, physical and mental health or other justifiable interests, the witness may be examined by means of technical devices for the transmission of image and sound, so that the parties may examine him without being present in the room where the witness is located. If necessary, for such a type of examination the expert referred to in Article 198 paragraph 8 of this Act may be appointed.