



- CASE PRESENTATION
- THE OFFICE FOR THE PREVENTION OF CORRUPTION AND ORGANISED CRIME



## CASE FROM 2002

- STARTS WITH THE APPROACHING OF A PERSON WHO WISHES TO REPORT A CORRUPT JUDGE OF A COUNTY COURT
- THE COMPLAINANT, WARRANTED FOR ARREST, RISKED BY COMING TO ZAGREB.
- OFFERS TO COLLABORATE WITH THE OFFICE BY REVEALING THE CRIMINAL ACT OF ACCEPTING BRIBE.

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## PROCEEDINGS OF THE OFFICE

- RECORDS THE CRIMINAL REPORT AGAINST THE COUNTY COURT JUDGE FOR THE CRIMINAL ACT OF ACCEPTING A BRIBE
- THE JUDGE REQUIRED 15,000 EUR FROM THE COMPLAINANT SO THAT HE AVOIDS THE SENTENCE OF IMPRISONMENT AND THE JUDGE 'DISMISSES THE CRIMINAL OFFENCE'

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## WHAT ELSE HAS THE COMPLAINANT REPORTED

- HE HAD ALREADY GIVEN AN AMOUNT OF 2,500 EUR, WHILE THE REMAINDER WOULD BE PROVIDED LATER
- THE JUDGE TRICKED HIM, AS A WARRANT FOR HIS ARREST WAS ISSUED AND HE WAS HIDING FROM THE POLICE
- IT ALL BEGAN WHEN HE, ALONG WITH TWO CO-PERPETRATORS, WAS REPORTED FOR THE CRIMINAL OFFENCE OF EXTORTION

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## WHAT ELSE HAS THE COMPLAINANT REPORTED

- THE CO- PERPETRATORS WERE ARRESTED AND BROUGHT BEFORE THE INVESTIGATIVE JUDGE, WHO ORDERED THEIR DETENTION
- THE VERY SAME DAY HE CONTACTED THE JUDGE THROUGH A MEDIATOR, AND ARRANGED TO MEET HIM THE SAME EVENING
- THE JUDGE GUARANTEED HIS FREEDOM AND THE 'DISMISSAL OF A CRIMINAL OFFENCE' FOR THE AMOUNT OF €15,000

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## WHAT ELSE HAS THE COMPLAINANT REPORTED

- HE GAVE THE JUDGE €2,500 IMMEDIATELY, WHILE THE REMAINDER WAS TO BE GIVEN LATER
- THE JUDGE HAD TOLD HIM TO SURRENDER TO THE POLICE THE FOLLOWING DAY, AFTER WHICH HE WOULD BE BROUGHT TO THE JUDGE HIMSELF, AND RELEASED
- HE FOLLOWED THESE INSTRUCTIONS AND, AFTER THE INTERROGATION, WAS RELEASED

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## WHAT ELSE HAS THE COMPLAINANT REPORTED

- IN THE SUBSEQUENT DAYS HE MET THE JUDGE AGAIN AND GAVE HIM ADDITIONAL 600 EUR AND 400 USD
- A WARRANT WAS ISSUED FOR HIS ARREST AND AGAIN HE HAD TO HIDE
- THE JUDGE BEGAN RETREATING AND CLAIMING THAT HE COULD DO NO MORE
- THE COMPLAINANT DELIVERS THE CASSETTE HE TAPED DURING THE CONVERSATION WITH THE JUDGE TO THE OFFICIAL DOCUMENT REPORT

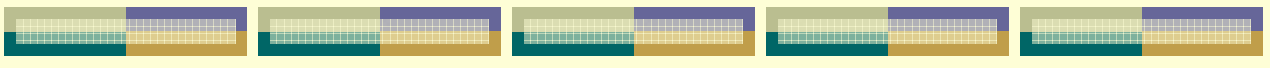
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## WHAT DID THE OFFICE ESTABLISH AND UNDERTAKE

- LISTENED TO THE CASSETTE – TURNED OUT THE COMPLAINANT WAS TELLING THE TRUTH
  - THERE WAS A WELL-FOUNDED SUSPICION THAT THE JUDGE HAD COMMITTED A CRIMINAL ACT OF ACCEPTING A BRIBE
  - ASKED FOR AN OFFICIAL DOCUMENT REPORT OF THAT COURT AND CARRIED OUT AN INSPECTION
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## THE CIRCUMSTANCES SURROUNDING THE CASE IN WHICH THE COMPLAINANT WAS REPORTED AND A WARRANT FOR HIS ARREST ISSUED

- TWO PERSONS WERE BROUGHT BEFORE THE JUDGE, WHILE THE THIRD PERSON, THE COMPLAINANT, WAS STILL HIDING
- THE INVESTIGATIVE JUDGE ORDERED THEIR DETENTION UNTIL THE PROSECUTOR'S RULING
- THE COMPLAINANT GAVE HIMSELF IN, WAS TAKEN BEFORE THE TRIER, WHO RELEASED HIM AFTER THE INTERROGATION



## WHAT ILLEGAL ACTS DID THE JUDGE COMMIT

- EXPRESSES HIS DISAGREEMENT WITH THE PROSECUTOR'S REQUEST FOR INVESTIGATION
- DOESN'T BRING ANY DECISION REGARDING PROSECUTOR'S SUGGESTION TO TAKE THE PERSON INTO CUSTODY
- DUE TO THE DISAGREEMENT, THE SECOND INSTANCE COUNCIL DECIDED TO OPEN AN INVESTIGATION, BUT COMMITS A PROCEDURAL VIOLATION BY ORDERING TO TAKE THE COMPLAINANT INTO CUSTODY, WHICH WAS IRREGULAR WITHOUT THE PRIOR RULING OF THE TRIER

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## WHAT ELSE DID THE JUDGE DO


- ADVISED THE COMPLAINANT TO PLACE A COMPLAINT TO THE SUPREME COURT OF THE REPUBLIC OF CROATIA, FULLY AWARE THAT THE RULING OF THE COUNCIL WOULD BE ABOLISHED
- ADVISED THAT HE HID UNTIL THE SUPREME COURT RULES
- IN THE MEANTIME HE ACCEPTED FURTHER €600 AND \$400

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## WHAT FOLLOWS

- THE SUPREME COURT ABOLISHES THE RULING AND THE CASE IS RETURNED TO THE JUDGE FOR RERULING
  - THE JUDGE BRINGS ABOUT A NEW RULING WHICH REJECTS THE PROSECUTOR'S SUGGESTION FOR THE PERSON TO BE TAKEN INTO CUSTODY
  - THE COMPLAINANT IS NOW FREE 11
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## WHAT HAPPENS IN THE MEANTIME

- AT THE LOWER COUNTY COURT YET ANOTHER CASE IS BEING CONDUCTED AGAINST THE COMPLAINANT
- THE PRINCIPAL HEARING IS HELD BUT THE COMPLAINANT FAILS TO APPEAR, IN ACCORDANCE WITH THE INSTRUCTIONS FROM THE TRIER TO HIDE UNTIL THE RULING OF THE SUPREME COURT



## WHAT HAPPENS IN THE MEANTIME

- THE TRIAL JUDGE, DUE TO THE NON-ATTENDANCE OF THE COMPLAINANT, ISSUES A WARRANT FOR HIS ARREST
- THE COMPLAINANT ASKS THE JUDGE TO SETTLE THIS, BUT HE RETREATS, SAYING THAT HE WAS UNABLE TO DO ANYTHING ELSE
- AT THIS STAGE THE COMPLAINANT COMES TO THE OFFICE AND REPORTS THE JUDGE

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## WHAT DOES THE OFFICE UNDERTAKE FURTHER

- THE OFFICE TAKES ACTIVE PART IN THE CASE AND FINDS IT IMPERATIVE TO GATHER ALL EVIDENCE, PROVING THE TRIER HAD ACCEPTED A BRIBE
- THE COMPLAINANT IS WILLING TO COLLABORATE, BELIEVING THAT THE TRIER TRICKED HIM
- THE COURT WAS REQUIRED TO ISSUE AN ORDER FOR SPECIAL MEASURES TO BE USED IN THIS CASE (ARTICLE 180 OF THE CRIMINAL PROCEEDINGS ACT)

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## SPECIAL MEASURES USED IN THIS CASE

- MONITORING AND RECORDING OF TELEPHONE CONVERSATIONS BETWEEN THE JUDGE AND THE MEDIATOR THROUGH WHOM THE COMMUNICATION TOOK PLACE
- SECRET MONITORING AND RECORDING OF INDIVIDUALS AND OBJECTS
- SIMULATION OF THE BRIBE BEING GIVEN

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## RESULTS OF THE SPECIAL MEASURES

- TAPPING THE PHONE WAS INEFFECTIVE, AS THE CONVERSATIONS TOOK PLACE ON MOBILE PHONES (TAPPING ABILITIES LIMITED AT THE TIME)
- THE SIMULATION OF THE BRIBE BEING ACCEPTED WAS ALSO INEFFECTIVE - THE TRIER DID NOT WANT TO ACCEPT THE MONEY, SAYING HE WAS POWERLESS AND NOT ABLE TO INFLUENCE THE JUDGE WHO ISSUED THE WARRANT

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# SECRET MONITORING AND RECORDING

- THE MEASURE THAT GAVE RESULTS WAS WIRING THE COMPLAINANT FOR THE NEXT MEETING WITH THE JUDGE
- DESPITE INTERFERENCES, AFTER THE PURGING, IT WAS OBVIOUS THAT THE CONVERSATION BETWEEN THE TWO CONCERNED:
  - *THE ILLEGAL ACTS THAT THE JUDGE HAD COMMITTED AND*
  - *THE MONEY*

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## THE JUDGE STATED, AMONG OTHERS:

- “I WAS THE ONE WHO RULED AGAINST YOUR DETENTION DISREGARDING THE LAW... THAT HAD BEEN ILLEGAL”
  - “I DID WHAT I HAD PROMISED, BUT IF YOU BELIEVE THAT I DID NOTHING... I WILL RETURN YOU THE MONEY...”
  - “AND NOW, EVEN IF YOU GAVE ME ENORMOUS AMOUNT MONEY, THERE IS NOTHING TO BE DONE ...”
  - “I WILL DO WHAT I CAN, BUT I CAN NO LONGER MAKE ANY PROMISES...”
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# EVIDENCE FOR PRESSING CHARGES

- THE TAPE OF THE AFOREMENTIONED CONVERSATION
- PRINT-OUTS OF THE CONTACTS BY MOBILE PHONE BETWEEN THE JUDGE, THE MEDIATOR AND THE COMPLAINANT
- PERSONAL EVIDENCE: STATEMENT FROM THE COMPLAINANT IS CONGRUENT WITH THE MATERIAL EVIDENCE

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# TRIAL- PRINCIPAL HEARING

- **JUDGE- THE DEFENDANT:**
- CONFIRMS THE AUTHENTICITY OF HIS VOICE ON THE RECORDING,
- EXPLAINS THE MEETINGS WITH THE COMPLAINANT AS A RESULT OF BEING ASKED BY THE MEDIATOR, HIS GOOD FRIEND FROM THE WAR, AND HE FELT OBLIGATED TO MEET HIS REQUESTS

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## TRIAL-PRINCIPAL HEARING

- DENIES DOING ANYTHING ILLEGAL, AND CLAIMS THAT, AT THESE MEETINGS, HE WANTED TO CONVINC THE COMPLAINANT HE WASN'T A VICTIM OF A 'LEGAL CONSPIRACY', AS WAS HIS BELIEF
- DENIES REQUIRING AND TAKING ANY MONEY FROM THE COMPLAINANT, WHEREAS EXPLAINS THE CONVERSATION ON MONEY BY THE FACT THAT HIS CLOSE FRIEND OWED THE COMPLAINANT MONEY AND HE TOOK OVER HER DEBT

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## TRIAL- PRINCIPAL HEARING

- THE COMPLAINANT REMAINED CONSISTENT WITH HIS STATEMENT WHICH HE HAD GIVEN TO THE OFFICE AND THE DEPOSITION FROM THE INVESTIGATION
- THE MEDIATOR PARTLY ALTERED HIS DEPOSITION FROM THE INVESTIGATION AND TRIED TO CUSHION THE RESPONSIBILITY OF THE TRIER

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# TRIAL- PRINCIPAL HEARING

- MATERIAL EVIDENCE: PRINT-OUTS OF CONTACTS BETWEEN THE JUDGE, COMPLAINANT AND MEDIATOR:
  - MOST CRITICAL DAYS (ARRANGEMENTS ON HOW THE COMPLAINANT SHOULD ACT):
  - ON THE FIRST DAY, THE MEDIATOR RANG THE JUDGE 6 TIMES, AND THE COMPLAINANT ONCE
  - THE SECOND DAY THE MEDIATOR AND THE JUDGE SPOKE 10 TIMES, AND THE MEDIATOR AND THE COMPLAINANT 5 TIMES

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# RULING

- JAIL SENTENCE OF 3 YEARS AND 6 MONTHS
- SAFETY MEASURE OF PREVENTING THE TRIER TO ACT IN A JUDICIAL CAPACITY FOR THE FOLLOWING 5 YEARS
- DISPOSSESSION OF ANY ILLEGAL GAIN ACQUIRED BY THE CRIMINAL ACT TO THE COUNTERVALUE OF €3,100 AND \$400.
- THE RULING IS FINAL SINCE II/2006

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