RIGHT TO INFORMATION IN MISDEMEANOUR PROCEEDINGS - ANALYSIS OF PRACTITIONERS` EXPERIENCE IN CROATIA[1]

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Abstract

The paper presents the results of a study on the experiences of practitioners with the right to information in misdemeanour proceedings in the Republic of Croatia. The research was conducted in the form of semi-structured interviews with three groups of practitioners: prosecutors, adjudicators and defence attorneys. The research focused on three groups of rights that substantively constitute the right to information in accordance with the Directive on the right to information in criminal proceedings and the practice of the ECtHR: the right to information concerning procedural rights, the right to information concerning accusations and the right of access to the case file. Following the previously conducted theoretical-normative research, which pointed out certain inconsistencies in the current legislation on misdemeanours, the empirical research aimed to verify the results of the theoretical research and to determine the compliance of the legal framework and practice with the Directive on the right to information in criminal proceedings. The study of practitioners' experiences in misdemeanour proceedings revealed the weaknesses of the current legislation and paved the way for future research and the creation of a comprehensive and coherent legal framework.

[1] This paper was partially supported by the Croatian Science Foundation as part of the project Croatian Misdemeanor Law in the European Context – Challenges and Perspectives (UIP-2020-02-6482)
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Keywords: *right to information, access to the case file, misdemeanour proceedings, Directive on the right to information in criminal proceedings, Republic of Croatia*

1 INTRODUCTION

The right to be informed of the charge and the procedural rights of the defence, as well as the right to access the case file, are fundamental rights of the defence guaranteed by Article 6 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (Perelló Doménech, 2012, p. 297). These are three interrelated and mutually dependent rights of defence. Although they are indisputable legal norms, their frequent violation in domestic legal systems has been highlighted in numerous cases before the ECtHR (Weigend, 2019, pp. 167-170, Mahoney, 2004, pp. 124-125). They have received particular attention in European Union law through Directive 2012/13/EU on the right to information in criminal proceedings, as one of the legislative activities at EU level as part of the package of directives to strengthen the procedural position of the defendant in criminal proceedings (Klimek, 2013, p.166).

Although Directive 2012/13/EU primarily refers to criminal proceedings, it nevertheless recognises in its introductory statement that certain minor offences, in particular minor traffic offences, minor offences relating to general local regulations and minor public order offences, are considered to be criminal offences (Recital 17). Similarly, in some Member States, in addition to the court having jurisdiction in criminal matters, another body may have jurisdiction to impose sanctions other than deprivation of liberty for relatively minor offences (Recital 17), such as misdemeanours, so that the Directive should also apply to such proceedings. However, where the law of a Member State provides for the imposition of sanctions for minor offences by such an authority and there is either a right of appeal or the possibility of otherwise referring the case to a court having jurisdiction in criminal matters, the Directive should only apply to proceedings before that court following such an appeal or such a referral of the case to the court. In the Republic of Croatia, the Misdemeanour Act is in force, which regulates the conduct of misdemeanour proceedings for numerous infractions, such as minor punishable offences which are essentially considered to be criminal offences, whereby in some situations the decision is not taken by the court but by another body at first instance. In 2013, the Croatian legislature amended the Misdemeanour Act and included the provision of Article 109a in the normative structure, which prescribes the obligation of the authorised state attorney to provide the defendant with a written legal letter concerning the charges against him and his rights in the proceedings, in a language he understands, before sending the indictment to the court or other body conducting the proceedings (Rašo & Korotaj, 2013, pp.786-787). The aforementioned provision became the linchpin of the legislature's expectation

that in this way the minimum standards for compliance of the Misdemeanour Act with Directive 2012/13/EU would be met.

Although the reform in question basically proclaimed the compliance of the Misdemeanour Act with Directive 2012/13/EU, numerous problematic issues are raised in theory and practice. One problem is the excessive insistence on the formal concept of accusation as the moment from which a person acquires the status of a defendant and the right to be informed of his rights, whereas today the autonomous concept of accusation from Article 6 of the ECHR has prevailed in Council of Europe and EU law (Novokmet, 2024, pp. 353-354). The second problem concerns the actual possibilities for the defendant to be informed of the accusation against him and to actively exercise his rights of defence, where it is questionable whether they can be effectively exercised due to the relatively late time at which the defendant is informed of the accusation and the rights of defence, as the information about the rights is linked to the strictly formal time of filing the indictment (Novokmet, 2024, pp. 355-359). The third problem relates to the defendant's ability to gain access to the case file and successfully prepare his defence (Novokmet, 2024, pp. 360-362). While the aforementioned right is relatively easy to achieve for persons defending themselves at liberty, a defendant who has been deprived of liberty cannot exercise this right because the law explicitly excludes this possibility, as the right of access to the case file is only guaranteed before the formal submission of the indictment to the court. The above-mentioned shortcomings and inconsistencies of the current normative framework were identified through an initial theoretical and normative study, which revealed the structural shortcomings of certain legal provisions and identified the substantive inconsistency of the Misdemeanour Act with Directive 2012/13/EU. This study was the impetus for the second, empirical study presented in this paper.

In order to examine the above questions in detail, an empirical study was conducted using semi-structured interviews with Croatian practitioners working as prosecutors, adjudicators and defence attorneys. The aim of this research was to verify the results of the theoretical and normative analysis and to determine the impact of the current legal solutions on legal practice. The results of the conducted research could be useful for the Croatian legislature when considering further reforms of the Misdemeanour Act in terms of possible additional harmonisation with Directive 2012/13/EU. However, it is necessary to take into account the nature of misdemeanours as minor violations of the legal order and to find a balanced model at which point the Directive should be applied, taking into account the nature of the misdemeanour, the decision-making body and whether or not the defendant is deprived of liberty.

2 METHODOLOGY

This study is the result of work on the scientific project Croatian Misdemeanour Law in the European Context – Challenges and Perspectives. The main objective of the project is to determine whether and to what extent the Croatian misdemeanour procedure is aligned with the standards of the European Court of Human Rights and a number of European Union directives on procedural safeguards for suspects and accused persons and the rights of other persons in criminal proceedings. This paper presents the results of the second part of the empirical study aimed at determining the extent of transposition of Directive 2012/13/EU in the Croatian Misdemeanour Law, taking into account the theoretical and normative research previously conducted as part of the project.

The first part of the research included a theoretical analysis of the relevant literature and a normative analysis of the Misdemeanour Act on the right to information in misdemeanour proceedings, based on the standards of the right to a fair trial developed in the practice of the European Court of Human Rights and Directive 2012/13/EU (Novokmet, 2024, pp. 337-366). The research was conducted taking into account three main aspects: a) the right to be notified of the accusation, b) the right to be informed of the rights and c) the right to access the case file. The results of the conducted research revealed numerous problematic questions about the actual scope of application of the analysed provisions of the Misdemeanour Act in the practice of the Croatian judicial authorities, which served as a basis for the preparation of the second part of the research, which was conducted in two phases.

The first phase consisted of an empirical study based on semi-structured interviews with 54 experts, 24 of whom were from Zagreb, 10 from Osijek, 10 from Rijeka and 10 from Split. Twenty-one interviews were conducted with authorised prosecutors (12 police officers, 6 state attorneys, 3 administrative officers), fifteen interviews with adjudicators (12 judges and 3 customs administration officers) and 18 interviews with defence attorneys. The questionnaire for each group of respondents was based on the results of the first part of the theoretical and normative research that was conducted, in which contentious issues of the legal regulation and the actual possibilities of its implementation in practice were identified.

In the second phase of the empirical study, in order to better understand the responses received and discuss the concerns identified, the research was conducted through four focus groups, three of which were homogeneous (prosecutors, adjudicators and defence attorneys) and one mixed focus group. The focus group with prosecutors had four participants (2 police officers and 2 state attorneys), the focus group with defence attorneys had five participants, while the mixed focus group had 4 participants (1 police officer, 1 judge, 1 state attorney and 1 defence attorney). A separate protocol was prepared for each focus group. The topics discussed were based on the results of the first part of the research, which was conducted through semi-structured interviews.

3 ANALYSIS OF PRACTITIONERS' EXPERIENCES WITH THE RIGHT TO INFORMATION IN MISDEMEANOUR PROCEEDINGS

3.1 Information about rights

The first group of questions asked to prosecutors, defence attorneys and adjudicators related to information on the rights of suspects, accused persons and arrestees. This is a right guaranteed in Article 3 of Directive 2012/13/EU and enshrined in the Misdemeanour Act (hereinafter: MA) as an obligation to provide written information about the accusation and procedural rights in accordance with Article 109a. Although the legislature has attempted to implement the requirements of the Directive on detailed and timely information on procedural rights and charges with this provision, it has linked this obligation to the time of the formal submission of the indictment, ignoring the concept of accusation in the substantive sense as interpreted by the ECtHR in its case law (Novokmet, 2024, p. 354). In addition to Article 3, Article 4 of the Directive lays down additional requirements regarding the time and form of informing the arrestee of his rights, which the legislature has not properly transposed into the Misdemeanour Act. The regulation of these rights and the real possibility of exercising them are crucial for the realisation of the right to an effective defence (Allegreza & Covollo, 2016, p. 42).

3.1.1 Procedural timing of information about rights

The first question asked to prosecutors and defence attorneys on the right to information related to the procedural moment at which suspects, accused persons and arrestees are informed of their rights. The responses from the prosecutors show that the moment of informing a person about his rights depends on which body is authorised to prosecute and whether the person is arrested or not. The defence attorneys' responses also show that the information given to suspects, accused persons and arrestees about their rights in misdemeanour proceedings varies and depends on the stage of the proceedings they are in and the procedural context.

The state attorneys were agreed in their responses that they should provide the defendant with information about the committed misdemeanour before submitting the indictment to the court, together with a letter about his rights under Art. 109a of the MA. It is clear from the responses that this is the only action they take, namely sending a notification and filing an indictment after the notification has been duly served. When asked whether there are differences in the timing of notification depending on the category of the person concerned, some emphasised that arrestees are not under their jurisdiction but under the

jurisdiction of the police and the police inform them of some rights, and two said that there is no difference.

The responses of police officers in the role of authorised prosecutors reveal differences in the timing of information depending on whether or not the person is arrested. Almost all police officers inform arrestees of their rights immediately after arrest. Two of them cited cases where the arrestees were intoxicated as an exception, where notification of their rights is delayed until they were sober. Police officers generally link the timing of the notification of the rights of a person who has not been deprived of liberty to the determination of the offence committed and the decision to initiate misdemeanour proceedings. If a person is found at the scene of the offence, a misdemeanour order is issued and they are informed of their rights. Some police officers stated that they provide information about rights when questioning a suspect. One police officer explained that a person is informed of his rights for each part of the process; if an indictment is filed, an Article 109a notice is issued, and if a person is arrested, some further rights arise and are communicated at the time of arrest. The customs officers stated that they inform the person immediately, at the beginning of the investigation procedure or in the case of measures preceding the issuance of a misdemeanour order.

Most defence attorneys stated that people are informed of their rights when they are arrested. At that moment, the police or competent authorities immediately hand out a written letter about the rights and explain the rights. For people who have not been arrested, the letter of rights is usually served together with a summons for questioning or a hearing. This is typically for situations where people are already in proceedings but have not been in contact with the police or other authorities up to that point. Some defence attorneys state that people are notified in the summons to a court hearing or a misdemeanour order if they have already been informed of the offence committed and the resulting proceedings. Cases involving customs surveillance or mobile teams are highlighted as specific as there can be confusion when informing suspects because people are only informed of their rights after they have been taken to the police station or other competent authority. All defence attorneys who responded agree on one point: information about rights must be clear, timely and in accordance with the law.

The adjudicators were asked whether or not they thought that defendants were informed of their rights at the time of their appearance before the court or the state authority conducting the proceedings. All but one of the judges surveyed agreed that defendants are informed of their rights when they appear before the body conducting the proceedings. Most judges stated that defendants receive a letter of rights from the prosecutor informing them of their rights under Art. 109a., in which they are informed of the factual and legal aspects of the offence with which they are charged and of their rights and obligations. If the proceedings are initiated on the basis of an objection to a mandatory misdemeanour order or a misdemeanour order, they are also informed of their

rights under this order. One judge also emphasised that the defendants are informed of their rights in the summons to the hearing, and another that defendants are advised before the hearing begins that they have the right to a defence attorney, and this is noted in the minutes. However, one judge was more cautious, stating that although defendants' rights are mentioned in the summons they receive, they do not read it. For example, when defendants are told that they have the right to a defence attorney, they often assume that they also have the right to free legal representation, which is not the case.

When asked whether it had ever happened that a defendant was not informed of his rights and the charges after the initiation of misdemeanour proceedings, most defence attorneys replied that they had never encountered such a situation and that the court always informs the defendant of the charges and his rights.

3.1.2 Form of information about rights

Article 3(2) of Directive 2012/13/EU requires that information on procedural rights be provided to suspects and accused persons verbally or in writing in plain and intelligible language. Flexibility in the form of information about rights is reserved for suspects and accused persons who are at liberty, while in the case of arrest, a written letter of rights in a language they understand and which they are entitled to keep in their possession throughout the period of deprivation of liberty is required (Article 4). With the latter requirement, the Directive has raised the bar set in ECtHR case law by prescribing a right that is neither provided for in the European Convention on Human Rights nor developed in the case law of the European Court of Human Rights (Cras & De Mateis, 2013, p. 27).

In order to determine whether there is a clear and standardised form of information about rights in practice, respondents were asked how people are informed of their rights, verbally or in writing, and whether there are differences depending on the category of person. Following the apparently standardised pattern of procedures in misdemeanour cases, all interviewed state attorneys inform people of their rights exclusively in writing by sending a notice of the initiation of misdemeanour proceedings. However, most police officers responded that people are first informed of their rights verbally and then in writing. Some respondents stated that people who are apprehended are first informed verbally and then, when they come to the police station, they are informed in writing. One respondent stated that a person who is not arrested is informed of their rights under Art. 109a of the MA by handing them a written letter, and two stated that they only inform them in writing. Customs officers' responses also indicate that information about rights is first given verbally and then in writing, through standard forms that the person signs and receives a copy thereof.

From the responses of the prosecutors analysed, it can be concluded that, with the exception of state attorneys, it is common practice to inform suspects, accused persons and arrestees of their rights both verbally and in writing, using pre-printed standard forms. This is also confirmed by the responses of the defence attorneys interviewed, according to which there is a clear practice of oral information, especially at the beginning of the proceedings, as well as written information, especially by means of pre-printed forms and forms. Arrestees are more frequently informed in a more formalised written form, while suspects and accused persons can also be informed verbally, with the written information being provided subsequently.

3.1.2 Provision of information about rights to arrestee

Another question asked of practitioners was aimed at the shortcomings of the current legislation in relation to the obligation to inform the arrestee of his rights in writing. In fact, contrary to Directive 2012/13/EU, the Misdemeanours Act excluded the obligation to provide written information on the rights to detainees (Novokmet, 2024, p. 360), and the wording of the statutory provision leaves no room for the subsidiary application of the relevant provisions of the Criminal Procedure Act (CPA), as it was obviously the intention of the legislature not to ensure this right to the extent prescribed by the CPA (Đuzel, 2024, p. 97). However, in such cases of inadequate transposition of the provisions of the Directive into national law, the possibility of direct application of the Directive remains. The application of the Directive is not questionable in this situation, as the scope of the Directive refers to suspects who are deprived of liberty within the meaning of Article 5(1)(c) ECHR (Đuzel, 2024, p. 97).

Most of respondents are of the opinion that the arrestee should also receive a written letter of rights. Some of the prosecutors explicitly supported such a position, while half of the respondents stated that they already provide the detainee with written information about his rights, regardless of the legislative decision. The responses of some judges confirm that the arrestees are informed of their rights. However, this good practice is qualified by the statement that although arrestees sign a form confirming that they are aware of their rights, this form does not remain with them, so it would be good if they also received a copy of the form. Most defence attorneys agree that providing a written letter of rights at all stages of the process would be useful and in the best interest of the arrestees. Although most believe that the delivery of a letter of rights should be mandatory at the time of arrest, some question the actual effectiveness of the letter, as defendants are reluctant to read it.

3.1.3 Letter of rights

Directive 2012/13/EU establishes in Article 3(1), as a minimum standard, a catalogue of rights of which suspects and accused persons should be promptly informed in order to enable them to exercise them effectively: (a) the right of access to a lawyer; (b) any entitlement to free legal advice and the conditions for obtaining such advice; (c) the right to be informed of the accusation, in accordance with Article 6; (d) the right to interpretation and translation; (e) the right to remain silent. It should be noted that the rights listed in Article 3 of Directive 2012/13 do not create a new set of rights under national law, but explicitly guarantee the right to be informed of these specific rights to be applied in accordance with the provisions of national law (Klip, 2016, p. 279). The Croatian legislature sought to formulate the requirement for timely and detailed information on the procedural rights of the defence in Article 109a of the MA.[4]

However, in terms of the rights of an arrestee, the provisions of the MA are fragmented, and the rights of arrestees are regulated in different places, in Art. 86 and Art. 134 (Novokmet, 2024, p. 360). Contrary to Directive 2012/13/EU, but also contrary to Directive 2013/48/EU on the right of access to a lawyer in criminal proceedings, the Misdemeanour Act does not provide for an obligation to inform every arrestee about the right to remain silent and the right to a defence attorney, but only those who are questioned as suspects or accused persons (Đuzel, 2024, p. 95). Furthermore, the legislature has failed to enshrine the right to access to urgent medical assistance in the catalogue of rights for arrestees.

In order to determine the extent of the factual and legal substrate about which suspects, accused persons and arrestees are informed in practice, practitioners were asked about which rights a person is informed of. Two approaches can be observed in their responses; the predominant one is more detailed, while the other is more minimalist. State attorneys mentioned the rights from Art. 109a of the MA and referred to the fact that persons are informed of their rights by being given the information in accordance with this provision. One customs officer also cited the content of the rights under Art. 109a. Although some of the police officers' answers were short, almost all of them mentioned the right to a defence attorney and the right to remain silent, and some of them mentioned the right to notify family members upon arrest and the right to an interpreter. Only one police officer mentioned the right to access files, and two emphasised

[4] Art. 109a prescribes the obligation to submit a written statement of rights containing information about the offence charged and the following rights: to defend oneself or submit a written defence, to remain silent or refuse to answer a specific question, the right to access the file, the right to defend oneself during the proceedings alone or with the assistance of a defence attorney of one's choice, the right to submit proposals for the presentation of evidence in one's defence, the right to use one's own language or the right to obtain an interpreter, the right to negotiate.

the right of foreigners to inform the embassy of their arrest. One emphasised that they always seek medical assistance if the defendant needs it. In addition to the rights listed, most prosecutors emphasised that they also provide information about the offence the person is charged with.

Defence attorneys claim that suspects, accused persons and arrestees must be informed of their procedural rights, including the right to a defence attorney, the right to an interpreter and the right to be informed of the charge. In practice, however, the details of this information are perceived differently. While some believe that the information is clear and consistent, others point to problems such as the formalisation of rights without actual application, the lack of interpreters and the lack of complete information for suspects.

3.1.4 Understanding of rights

One of the basic prerequisites for the effective exercise of the guaranteed procedural rights is their understanding. Recital (38) of Directive 2012/13/EU instructs Member States, with a view to the practical and effective implementation of the obligation to provide suspects or accused persons with information about their rights in simple and accessible language, to train the competent authorities accordingly and to draft the letter of rights in plain and non-technical language so that it can be easily understood by a layperson with no knowledge of criminal procedural law.

Prosecutors and defence attorneys were asked if it is customary to verify whether a person understands their rights and whether and how it is ensured that they actually understand their rights. In addition, adjudicators and defence attorneys were asked whether defendants know and understand their rights when misdemeanour proceedings are initiated, i.e. when they appear before a court or other body conducting the proceedings, and whether this body ensures that a person understands their rights.

Most state attorneys, in line with the previously explained procedure that excludes direct contact with defendants in misdemeanour proceedings, responded that they do not check whether a person has understood their rights. Police officers, on the other hand, generally responded that they do check whether a person has understood their rights, and almost all stated that they ask the person whether they have understood their rights. However, the answers of some prosecutors (four) show that they do not check or explicitly ask the person whether they have understood their rights, but draw this conclusion from the fact that they receive a form with a letter of rights, which the person signs, confirming that they have received the letter of rights.

The defence attorneys' responses show that there are different interpretations and practices on this issue. While some are of the opinion that the understanding of rights is seriously checked, others warn that this check is often only formal,

without any real certainty that the person really understands their rights. On the other hand, some defence attorneys believe that understanding rights is not a major problem, as it is simple enough for the average person to understand and usually does not require additional explanation.

When asked whether defendants understand their rights when they appear before the court, i.e. the state body that conducts the proceedings, the adjudicators were not as unanimous as when answering the previous question. For the most part, they believe that defendants understand their rights, but some still responded that it depends; that there are parties who understand everything, especially when they hire a defence attorney, and there are also ignorant parties who do not understand why they are summoned because they do not read it properly. One judge explained that this was related to the personal characteristics of the defendant, not the statutory provision. They tried to explain it to them in layman's terms in a way that the average person without legal training could understand. By and large, all of the judges additionally stated that the defendant's rights would be additionally reiterated or explained at the appearance before the court.

One judge pointed out that there are significant differences depending on the type of offence, i.e. that legal persons are familiar with their rights, while natural persons and minor offenders do not express any interest. Furthermore, one judge said that defendants often say that the police did not inform them of their rights when they were arrested, which poses a problem.

Defence attorneys were also asked whether the body conducting the proceedings checks whether or not the person has understood their rights once the proceedings have begun. Although most defence attorneys confirm that there is a formal check on the understanding of rights, many emphasise that this is often superficial and formalistic. Some defence attorneys have serious concerns, claiming that in practice the minutes sometimes do not reflect what actually happens in the courtroom. Also, the presence of an attorney can reduce the need for additional checks, but this does not solve the problem of insufficient information for defendants without legal representation.

3.2 Information about the accusation

The right of a person accused of a criminal offence to be informed promptly, in a language which he understands and in detail, of the nature and cause of the accusation against him is one of the minimum guarantees of the defence and is a specific element of the principle of a fair trial under Article 6(3)(a) of the ECHR as a precondition for the effective exercise of the defence. The European legislature has postulated this right in detail in Article 6 of Directive 2012/13/EU by setting out the requirement of prompt action when informing a person of the accusation and, in particular, emphasising the requirements for

informing arrestees and detainees about the reasons for their arrest or detention. In doing so, the point at which a person can be considered an accused person has been defined in line with the established case law of the ECtHR, which recognises that the term 'accusation' describes the same concept as the term 'charge' in Article 6(1) ECHR (Recital 14). This concept has long been established in ECtHR practice through the understanding that a "criminal charge" exists from the moment a person is officially informed by the competent authority of the allegation that he has committed a criminal offence or from the moment his situation has been substantially affected by action taken by the authorities as a result of a suspicion against him (see Deweer v. Belgium, 27 February 1980, §§ 42-46, Simeonovi v. Bulgaria, 12 May 2017, §§ 110).

In order to determine when in practice a person is informed of the charge at the earliest and what information such notification contains, i.e. whether the actions of authorised prosecutors in misdemeanour proceedings meet the requirements of European standards, prosecutors and defence attorneys were asked when a person is informed of the charges against them, in what form (written or oral) and about what they are informed, i.e. how detailed is the information about the charge they receive.

3.2.1 Timing of the notification about the accusation

The timing of the notification of the accusation and thus the actual opportunity to prepare the defence is inextricably linked to the substantive concept of charge as interpreted by the case law of the ECtHR. In criminal cases, this is of particular importance, since the provision of full and detailed information about the accusation against the accused and, consequently, about how the court might legally qualify the offence, is a basic requirement for ensuring a fair trial (Pélissier & Sassi v. France, 25 March 1999, §§ 52.). In contrast to the Criminal Procedure Act, which is consistent with the substantive concept of the defendant and the charge, the legislature in the Misdemeanour Act has maintained a formalistic approach to the definition of the initiation and commencement of misdemeanour proceedings, i.e. the constitution of the charge, which is also reflected in the procedural status of the defendant (Novokmet, 2024, p. 354).

State attorneys inform the persons about the charges in a notice of the committed misdemeanour pursuant to Art. 109a of the MA, which is sent out before the indictment is filed. Some respondents additionally emphasised that the notification is sent after the conclusion of the evidence collection proceedings in criminal procedure, i.e. a trial in misdemeanour proceedings usually follows the inquires and the dismissal of the criminal complaint in a criminal case. The police officers' responses were more varied, indicating that the timing of notification of the charge depends on the procedural situation in which the person finds themselves. Arrestees are notified at the time of arrest and persons caught committing a misdemeanour are also notified of the charge.

In other cases, the person is notified with a summons for questioning. The responses also indicate that defendants who are not arrested are notified by service of the notice under Art. 109a when the indictment is filed or at the time a mandatory misdemeanour order or misdemeanour order is issued.

Defence attorneys' answers to the question of when the indictment is served are somewhat contradictory, which is due to the fact that attorneys are generally not involved at the earliest stages of the proceedings, but are usually only instructed by the defendants when they receive an official document (misdemeanour order or court summons). Therefore, they do not have full information about the proceedings before they take on the case. Some attorneys claim that a person learns of the charge immediately, while others say that this can also happen later, through a misdemeanour order or after the arrest or after the investigation report has been drawn up. Some attorneys are of the opinion that it makes no difference whether a suspect, an accused person or an arrestee learns of the charge. Some responses suggest that the time of notification of the charge is not clearly defined. For example, one suggests that the treatment may depend on the "legal culture of the person" making the notification, which likely indicates discretion, while another attoney points out that he does not know how prosecutors choose this timing, so it is all a matter of their judgement.

3.2.2 Form of notification about the accusation

The responses to the questions about the form in which a person is notified of the accusation indicate that there is a standardised form of notification. State attorneys stated that individuals are notified of the accusation in writing, in a letter of rights. Almost all other prosecutors responded that individuals are notified of the charge both verbally and in writing, usually first verbally and then in writing, and that there is no difference in terms of the category of person involved. Most attorneys maintain that notice of the charge is given exclusively in writing. Some attorneys are of the opinion that notification can be both verbal and written, depending on the situation.

3.2.3 Content of information about the accusation

Directive 2012/13/EU sets out requirements for the quality and quantity of information about the accusation that must be provided to a person depending on the stage and situation of the proceedings. The main requirement is to promptly provide information about the offence of which they are suspected or accused and in such detail as is necessary to safeguard the fairness of the proceedings and the effective exercise of the rights of the defence (Art. 6(1)). A specific requirement aims to ensure that suspects or accused persons who are arrested or detained are informed of the reasons for their arrest or detention,

including the offence of which they are suspected or accused. Finally, the last moment at which persons must be given detailed information about the accusation, including the nature and legal classification of the offence and the nature of the accused person's involvement, is when the merits of the accusation are presented to a court. Although the amount of "detailed" information varies according to the particular circumstances of each case, the accused must be given sufficient information to fully understand the scope of the accusation against him and to prepare an adequate defence (Matoccia v. Italy, 25 July 2000, §§ 60).

When asked about the content of information about the accusation, whether individuals receive only the reference to the offence or some more detailed information, state attorneys agreed in their response that individuals receive both a factual description of the offence and a legal description. Most other prosecutors also indicated that individuals receive a description of the facts in addition to the offence name. The responses indicate that this description of the facts is usually shorter and not as extensive as in the indictment and that this also depends on the type of offence. Some prosecutors stated that the information they provide includes the time and place of commission, the manner of commission and the legal grounds. They also stated that they try to explain orally in a plain language what the offence is about. One prosecutor pointed out that in the notice itself, only the name of the offence is given without a description, but later, if something is unclear to the individual, the offence is explained to them. Another prosecutor explained that it used to be common practice to include only the article of the misdemeanour in the notice, but they received an instruction from the court to include more information. The defence attorneys' responses vary in terms of the amount of information they receive about the charge, particularly in terms of the description of the offence and the legal provisions. Some attorneys point out that the individual receives basic information such as the name of the offence and the legal provision. It is often mentioned that the information can be very brief, that the description of the facts is often very concise and does not contain much information, in some cases it is even almost non-existent. Others state that this description may be brief or non-existent in the first stages, e.g. at the summons for questioning, while the persons receive a detailed description of the facts in the indictment or in later stages of the proceedings. Some attorneys pointed out that verbal notification often contains only basic information, while additional substantiation, including evidence or a full description of facts, may be provided in writing. Finally, some attorneys emphasised the importance of the indictment containing more detailed information, as this allows for timely preparation of the defence.

As a control group, the attorneys were also asked whether, misdemeanour court, after the initiation of misdemeanour proceedings, checks whether the defendant has understood the accusation made against him. The answers show that this check is generally carried out in misdemeanour proceedings, but often only formally. Some attorneys point out that the court asks the defendant whether he

has understood the charge, and in some cases the content of the indictment is also explained. However, other attorneys emphasise that the check is limited to asking questions without any real analysis of understanding. To summarise, it can be said that although the charges are formally checked, the defendant's actual understanding is not always thoroughly examined.

3.3 Access to the case files

Although the right of the defence to access the case files is not explicitly listed among the minimum rights of the defence in Article 6 ECHR, it has been accepted in ECtHR practice as part of the right to adequate time and facilities for the preparation of the defence under Article 6(3)(b) ECHR. This right is also interpreted as an aspect of the adversarial principle and an element of the principle of equality of arms (Trechsel, 2005, p. 222). In Directive 2012/13/EU, the right of access to the file is set out in more detail in Article 7. The focus here is on the need to ensure that arrestees and detained persons have access to documents that are essential for effectively challenging the lawfulness of their arrest or detention.

It is important to grant access to all documents contained in the case file that may be relevant for the successful preparation of the defence. This applies to both incriminating and exculpatory evidence (Klip, 2016, 269). However, neither the Directive in Art. 7(3) has defined the earliest possible time nor has the European Court of Justice in its case law clarified the earliest possible time at which access to the materials of the case should be granted (Pivaty & Soo, 2019, p. 133), but only the latest possible time, and the specific circumstances of the case may require that access be granted long before (Cras & De Mateis, p. 31).

Although the Misdemeanour Act postulates this right as one of the fundamental rights of the defence through several provisions, in particular in Art. 109a through a catalogue of rights about which the defendant is informed before the filing of the indictment, the way it is regulated is not entirely in line with European standards (Novokmet, 2024, p. 360). Article 150 defines the point in time at which the defence acquires the right to access the file. The legislature links this point in time to the formal laying of the charge, i.e. the point in time at which the proceedings are initiated by issuing a misdemeanour order or filing the indictment (Art. 157 of the MA). Although the Directive does not stipulate that the rights contained in the Directive must be guaranteed before the non-judicial bodies responsible for conducting proceedings and imposing sanctions for minor offences when there is a possibility to appeal or refer the case to a court, this always applies when it comes to deprivation of liberty under Art. 5 of the ECHR. However, by providing for the provision of a letter of rights to an arrestee (Art. 134 of the Act) and for a defendant who does not have a permanent or temporary residence in the Republic of Croatia and does not pay

bail in the amount of the non-final sentence imposed (Art. 136), the legislature has failed to ensure access to documents that are essential for challenging the lawfulness of detention, although Article 7(4) of Directive 2012/13/EU, contrary to the case law of the ECtHR, excludes any possibility of restricting this right (Allegrezza & Covolo, 2018, p. 59).

3.3.1 The time at which the right of access to the case file is exercised

When asked whether they grant the accused or his defence attorney the right to access the case file and from what point in time, state attorneys replied that they had no experience with such requests in misdemeanour proceedings, but if they did, they would grant access to the case file. Most of the other prosecutors (police and customs officers) also stated that they had never or only very rarely encountered a situation in which the defendant or his defence attorney requested access to the case file. However, most of them agree that they would not grant access to their case file, but that the defendant and his defence attorney should request this from the court and the state attorney's office. Two stated that they would read the minutes to the defendant before he signed so that he would be familiar with the content, but they would not give him the file. Only one police officer explicitly said that he would grant this right, although he had not encountered such a situation in his practice, but that the defendant has a guaranteed right to access the file based on Art. 109a. In contrast to the police officers, the interviewed customs officers (3) affirmed the possibility of granting access to the case file, with one stating that they grant access to the file after they have completed the investigative measures and formalised the procedure.

All judges indicated that they grant the defendant and his defence attorney the right to inspect the file, and most grant this right from the moment they receive the case file in court, before sending the summons to the hearing. However, some judges stated that they grant access to the file from the time they receive the indictment and send the summons.

When asked whether they have access to the materials collected by the police or another prosecutor, most defence attorneys replied that access to the materials is not possible at the initial stage of the proceedings, or that in practice they do not have access to the materials before the case comes to court. Only a few defence attorneys consider that they have the right to access the materials immediately, partly due to their experience in practice that they are granted access to the files without major obstacles when they request it. Some defence attorneys pointed out problems with access to the materials, such as the fact that the electronic communication system is not implemented everywhere, that attorneys have to request copies of the materials from the court, which can be delayed or even prevented, and that some evidence is not delivered at all.

3.3.2 Access to the arrestee`s case file

In line with the introductory considerations and the doubts expressed about compliance with the applicable legislation, the respondents were asked questions about the possibilities and necessity of exercising the right of access to the case file of an arrestee. The interviewed state attorneys have not encountered a situation in their practice where an arrestee would request access to the case file. However, two stated that they would not grant access to the case file at the time of arrest until the arrestee was questioned. The police officers' responses show that they also generally had no experience with requesting access to an arrestee's case file. One explained that they allow access to some recordings, depending on the case. For example, if it is necessary to verify if a person is the suspect himself or someone else, they allow access to the recording, but this happens very rarely. Two said that they would grant this right if the arrestee requested it. Two stated that the arrestee is given papers to sign and one stated that the person is taken to court and has the right to inspect the file immediately in court.

When asked whether there is a difference in the time of access to the case file depending on whether the person is a suspect, an accused person, an arrestee or a detainee, most defence attorneys replied that there is no difference. However, some attorneys mentioned technical circumstances or specific cases where access is difficult or delayed. Similarly, the earlier the stage of the proceedings, the less likely it is that the right of access to the file will be exercised. You may get more information when a person is arrested, but the question is what they are hiding. Some of the attorneys' responses suggest that they do not have experience or information to indicate the existence of differences between the status of suspects, accused and arrestees or detainees).

Most of the judges interviewed grant an arrestee or a detainee the right to access the case file from their first appearance in court, i.e. when the police bring them to court. Some of the judges stated that they have never experienced a situation where arrestees or detainees have requested access to the case file. One emphasised that most arrestees are familiar with the right to access the case file and that this right is also granted by the police. Regarding possible differences in the manner or timing of granting access to the case file depending on the procedural status of an accused person, a suspect, an arrestee or a detainee, the judges explain that they do not have a suspect in court; once the case file is formed in court, the person becomes a defendant. However, there is no difference in the manner or timing of granting access to the case file. One explained that they only check whether there is information in the file that should be protected.

Following on from the shortcomings identified in the legislation, the respondents were also asked about the need to prescribe the right to access the case file for arrestees. The state attorneys surveyed are of the opinion that an arrestee should be granted the right to access the case file by law. However, their responses differ as to how or when this right should be granted. One believes that they should have the right from the moment of arrest, while the other believes that this right should only be granted after the interrogation. Police officers, on the other hand, were more reluctant to grant the right of access to the file of arrestees and responded that there is no reason to prescribe this right in the MA. Among the responses, the arguments that investigations are secret and that not every investigation ends with an indictment were emphasised. Furthermore, this is not necessary if all documentation is sent to the court beforehand.

When asked whether an arrested and detained person should be explicitly granted the right to access the case file, the judges' responses were divided; some were of the opinion that this right need not be explicitly provided for. The arguments were that the Misdemeanour Act contains a general provision on the defendant's right of access to the file, which also includes the arrestee, so that this could lead to over-regulation. In general, even those judges who believe that this right does not need to be explicitly provided for are of the opinion that the arrestee already has the right to access the file or should be granted this right. Other respondents were of the opinion that it would be good to provide for this right, as it would not delay the proceedings and, in view of all European directives and judgements, it is always better to give the defendant more rights than to deny him rights.

Most defence attorneys support the idea that an arrestee and a detainee should be explicitly granted the right to access the file because they consider this to be a fundamental right that allows a person to be informed about the charges against them. Only a few attorneys point to procedural differences, but their answers do not indicate an absolute contradiction, but rather different approaches or practices in the exercise of this right. It is worth emphasising the view that it is not realistic to expect this right to be exercised at the time of arrest due to the short time limits for action.

3.3.3 How the right to access case files is exercised and possible limitations to this right

When asked how the right to access case files is exercised in practice, state attorneys stated that they had no experience, but that they would proceed in the same way as in criminal proceedings. Some police officers stated that they also had no experience with requests for access to the case file. One said that they give the person the file number and instruct them to examine the file, and three

explained that this right is exercised in court. One explained that a request can be made orally to ask for a specific part or clarification of an issue. In this case, the request is granted. This right is exercised at the police station and is only at the time when the person is summoned for questioning, so they are bound by time limits.

According to the judge's answers, the right to access the case file is exercised either in the courtroom with the judge or in the court registry, depending on where the file is located. The inspection takes place under the supervision of a judge or the head of the registry. In most cases, the defendant or his defence attorney takes photos of parts of the file with a mobile phone and can request a photocopy for a fee if necessary. There are usually no time limits as it usually only takes a short time, but some judges state that it might need to be limited if it took longer. As for when this right is exercised, the answers highlight before the hearing, after the defendant has received a summons to appear at the hearing. Before the main hearing is scheduled, the defence attorney can call and request the right to inspect the case file, then a date for the inspection of the file is set. An official note is also made in the file – that the inspection of the file has taken place. One judge explained that there is a specific day and hour of the week when the file can be inspected.

According to the previous answers, state attorneys have no experience with the possible application of restrictions on the right to access the case file. Police officers generally have no experience with this either, and one said that there are restrictions in police stations that a person can only see the forms they have to sign, but not the entire documentation of the investigation.

The judges mostly replied that they did not restrict the right of access to case files for the defendants and their defence attorneys, and that they denied this right to witnesses and injured parties if they had not been interviewed beforehand. Two mentioned that the right to access files in domestic violence cases is restricted if the victim requests that their residence or whereabouts data be protected. Two judges also emphasised that they exclude unlawfully obtained evidence before granting access to the case file.

4 REVIEW OF THE RESULTS OF THE RESEARCH ON PRACTITIONERS' EXPERIENCES WITH THE RIGHT TO INFORMATION AND THE DE LEGE FERENDA PROPOSAL

The empirical study of the actual possibilities and ways of exercising the procedural rights of suspects and accused persons in misdemeanour proceedings shed new light on the doubts and issues of (non-)compliance of misdemeanour legislation with the requirements of the Convention and EU law regarding the right to information in criminal proceedings identified in the previously conducted theoretical and normative analysis.

The prosecutors' responses identified differences in approach depending on which body is the competent prosecutor. State attorneys have no contact with the arrestees and the procedure in misdemeanour proceedings is exclusively in written form and usually follows on from the previously conducted investigations in criminal cases in which the criminal charges were dropped due to the absence of a criminal offence. If the state attorney's office establishes that misdemeanour has been committed, it sends the defendant a written letter about procedural rights and the charge in accordance with Art. 109a, files an indictment and nevertheless has no direct contact with the defendant or the court and consequently does not check whether the defendant has understood his rights. The state attorney's office may have had direct contact with the suspect/defendant during the preliminary investigation or investigation of a criminal offence. However, it should be noted that the state attorney's office rarely acts in the capacity of an authorised prosecutor. In this sense, the responses of other prosecutors, especially police and customs officers, more clearly reflect the reality of the treatment of suspects, accused persons and arrestees.

As regards information on procedural rights as a precondition for the effective exercise of the right of defence, although there is a legal framework for information on rights in misdemeanour proceedings, there are differences in the way it is implemented, especially in cases where persons are not directly arrested or detained. The responses analysed suggest that defendants are informed of their rights before they appear before the court or the state authority conducting the proceedings, as required by Art. 109a of the Misdemeanour Act. However, the earliest point in time at which a person should be informed of their rights depends on the procedural situation in which they find themselves and is not clearly defined in practice. Practical studies show that arrestees are informed of their rights upon arrest, while there are still differences in the time and manner in which persons who have not been arrested are informed. The legislature has linked the timing of the notification of rights to the formal act of filing an indictment or issuing a misdemeanour warrant. While in the case of minor offences, especially traffic offences, where the misdemeanour order is usually issued at the time of arrest, the time of notification of rights and accusations is uncontroversial under current law, in the case of more serious offences it should be linked to the laying of the charge in the substantive sense, in accordance with the requirements of the Convention.

As regards the form of information on rights, the fundamental problem with the current legal framework is that there is no written information on the rights of the arrestee. However, the research carried out shows that there is a reasonably established practice of providing written information on the rights of arrestees, even though the Misdemeanour Act expressly excludes this right. However, the doubts about the manner and content of informing the arrestee of his rights in practice support the proposal for legislative amendments towards a correct transposition of this procedural right guaranteed by the Directive in the part

where the Directive undoubtedly applies to misdemeanour proceedings (Novokmet, 2024, p. 360, Đuzel, 2024, p. 97).

Understanding the guaranteed procedural rights and the charges and ensuring that a person truly understands their rights seems to be an indispensable element for the effective exercise of the fundamental rights of the defence. The responses of the competent prosecutors show that in some cases, however, it is not verified and ensured that a person has understood their rights. State attorneys do not do this because they do not have direct contact with the defendant, and some police officers assume that reading and signing forms with instructions on rights also means that they have understood the rights listed.

According to the respondents, notification of the charge is given at the time of arrest or when caught committing a misdemeanour, and in other cases in a summons for questioning or in a notification of the initiation of misdemeanour proceedings. As a rule, notification of the charge is first given verbally and then in writing, except in the case of proceedings initiated by state attorneys, where everything is done in writing. In addition to the name of the offence, the persons receive a description of the facts of the case, which is not detailed, can be brief and is sometimes lacking. In the indictment, the defendants receive a more detailed description. In view of the observed problems that in some cases a detailed while in other cases high-quality factual basis for the accusation is missing, it seems necessary to sensitise the prosecutors to the importance of a clear, precise and detailed description of the offence, which constitutes an information basis for the refutation of the accusations and for a high-quality and effective preparation of the defence.

The responses on the right to access the case file show that the prosecutors interviewed have no experience with such requests from the defence and consequently no experience with the application of restrictions on this right, which leads to the conclusion that defendants and their defence attorneys do not usually request access to the files of the competent prosecutor before the initiation of misdemeanour proceedings. This conclusion follows from the responses of the attorneys surveyed, who point out that in practice they do not have access to the materials before the case is presented to court and is in line with the formalistic approach of the legislature, which links the right to inspect files to the formal initiation of proceedings. The prevailing view among prosecutors is that access to the case file prior to the formal initiation of criminal proceedings would give the defendant extensive opportunities to defend himself and "manipulate" the information obtained. After the initiation of proceedings, on the other hand, judges generally grant defendants and their defence attorneys access to the case file as soon as it is received by the judge, and there are no difficulties in exercising this right. The right of access to the file is not denied unless it concerns data on a victim of domestic violence. In addition, unlawfully obtained evidence is excluded before access to the file is granted. In terms of the right to access the records of the arrestee, most prosecutors, especially police officers, are reluctant to grant the right to access

the file of the arrestee and responded that there is no reason to prescribe this right in the Misdemeanour Act. Defence attorneys, state attorneys and most judges are still more inclined to grant this right to the arrestee at the legislative level.

Since the Misdemeanour Act provides the possibility of subsidiary application of the provisions of the Criminal Procedure Act (Art. 82, para. 3 of the MA) and the respondents themselves occasionally expressed the view in their answers that a certain procedural right does not need to be regulated in the Misdemeanour Act because the Criminal Procedure Act applies, it should also be noted that the provisions of the CPA are only usefully applied in misdemeanour proceedings if this is appropriate to the purpose of the misdemeanour proceedings. Legal solutions and procedural rights guaranteed by the CPA cannot always be adopted verbatim in misdemeanour proceedings, especially when the Misdemeanour Act itself excludes the application of this right, as is the case with the service of a written letter of rights of the arrestee. Of course, in such cases a direct reference to the procedural directives and their direct application is possible, but in practice this depends solely on the awareness, experience and knowledge of EU law of those involved in the misdemeanour proceedings. The research carried out confirms that, in practice, respondents do not usually refer to the provisions of the Criminal Procedure Act on the defendant`s procedural rights.

5 CONCLUSION

The results of the research conducted reveal numerous inconsistencies and challenges in the practical implementation of the right to information in misdemeanour proceedings, in particular with regard to the right to be informed of the accusation, the right to be informed of procedural rights and the right to access the case file. While these rights are formally regulated, their actual implementation varies considerably depending on the type of competent authority, the stage of the proceedings and the level of knowledge and understanding of EU legal standards among those involved in misdemeanour proceedings.

The findings suggest that informing suspects and accused persons of their rights often takes the form of a formal act – usually by handing out a written letter of rights – without actually checking whether the person understands these rights. Furthermore, the lack of a detailed and clear presentation of the charges in some cases undermines the ability of defendants to prepare their defence effectively. Access to the case file is usually restricted until the formal initiation of proceedings and, despite some practices to the contrary, there is no written information for arrestees. This underlines the need for legislative changes to ensure proper transposition of EU procedural safeguards, taking into account the gravity of the offence, the decision-making body and whether or not the

defendant is deprived of liberty. The tendency to apply the provisions of the Criminal Procedure Act in a formalistic or selective manner in misdemeanour proceedings – often without considering their appropriateness or compatibility – further complicates the exercise of the rights of the defence.

Future research should focus on a qualitative analysis of how well suspects and defendants actually understand their procedural rights possibly through interviews or surveys of people involved in misdemeanour proceedings. A comparative analysis with the practices of other EU Member States could also help to identify best practices for implementing the right to information in summary criminal proceedings. Particular attention should be paid to the role of police officers, who in most cases act as the first point of contact, and the need for their training to ensure that suspects not only receive but also understand their procedural rights.

REFERENCES

Allegrezza, S.; Covolo, V. (2016). The Directive 2012/13/EU on the right to information in criminal proceedings: Status Quo Or Step Forward? in: Đurdević, Z.; Ivičević Karas, E. (eds.) European Criminal Procedure Law in Service of Protection of the Union Financial Interests: State of Play and Challenges, 41-53.

Allegrezza, S.; Covolo, V. (2018). Directive 2012/13/EU on the right to information in criminal proceedings in Allegrezza, S.; Covolo, V. (eds). Effective Defence Rights in Criminal Proceedings. A European and Comparative Study on Judicial Remedies, Wolters Kluwer Italia.

Cras, S.; De Matteis, L. (2013). The Directive on the Right to Information, Eucrim, 1/2013, 22-32. https://doi.org/10.30709/eucrim-2013-004

Đuzel, M. (2024). Deprivation of liberty in Croatian misdemeanour proceedings - application of European detention and penitentiary standards. *EU and Comparative Law Issues and Challenges Series (ECLIC)*, *8*, 85–112. https://doi.org/10.25234/eclic/32272

Klip, A., (2016). *European Criminal Law: An Integrative Approach*, Intersentia.

Mahoney, P. (2004)., Right to a fair trial in criminal matters under article 6 E.C.H.R. *Irish Judicial Studies Journal,* 2-4, pp. 107-129. Retrieved March 15, 2025, from https://www.ijsj.ie/assets/uploads/documents/pdfs/2004-Edition-02/article/right-to-a-fair-trial-in-criminal-matters-under-article-6-e.c.h.r..pdf

Novokmet, A. (2024). Pravo na obavijest u prekršajnom postupku – teorijski i normativni aspekt. [Right to information in criminal proceedings – theoretical and normative aspects]. *Zbornik radova Pravnog fakulteta u Splitu*, 61(3), 337-366. Retrieved March 20, 2025, from https://doi.org/10.31141/zrpfs.2024.61.153.337

Perelló Doménech, I. (2012). The Right to be Informed of the Charge (Article 6.3 A) ECHR, In: Javier García Roca and Pablo Santolaya (eds), *Europe of Rights: A Compendium on the European Convention of Human Rights*, 297–305, Retrieved March 22, 2025 from https://doi.org/10.1163/9789004219915_016

Pivaty, A.; Soo, A. (2019). Article 7 of the Directive 2012/13/EU on the Right to Information in Criminal Proceedings: A Missed Opportunity to Ensure Equality of Arms in Pretrial Proceedings?, *E European Journal of Crime, Criminal Law and Criminal Justice,* vol. 27, br. 2/2019, 126-154. https://doi.org/10.1163/15718174-02702003

Rašo, M.; Korotaj, G. (2013). Novosti u postupovnim odredbama Prekršajnog zakona. [New solutions concerning the procedural provisions of the Misdemeanour Act] *Hrvatski ljetopis za kazneno pravo i praksu*, 20(2), 779-793. Retrieved March 22, 2025, from https://hrcak.srce.hr/file/211779

Trechsel, S. (2005). *Human Rights in Criminal Proceedings*, Oxford University Press.

Weigend, T. (2019). "Defense Rights in European Legal Systems under the Influence of the European Court of Human Rights", in Brown, D.K., Turner, J.I., Weisser B., (eds), *The Oxford Handbook of Criminal Process*, Oxford Handbooks, 164-188.