



DEUTSCHE STIFTUNG FÜR
INTERNATIONALE RECHTLICHE
ZUSAMMENARBEIT E.V.



EU-projekt: Podrška Pravosudnoj akademiji: Razvoj sustava obuke za buduće suce i državne odvjetnike

EU-project: Support to the Judicial Academy: Developing a training system for future judges and prosecutors

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Neslužbena pročišćena verzija uključuje:
Unofficial consolidated version includes:

NN 128/99

NN190/03 – CONSOLIDATED TEXT (translation in progress)

NN 76/07- MISSING – translation in progress

NN 27/08- MISSING – translation in progress

VERSION 8.2.2001

THE EXECUTION OF PRISON SENTENCE ACT

ZAKON O IZVRŠAVANJU KAZNE ZATVORA

PART ONE

GENERAL PROVISIONS

CHAPTER I

INTRODUCTORY PROVISIONS

Basic Provisions

Article 1

(1) This Law shall regulate the execution of prison sentence.

(2) The tasks of the execution of prison sentence are of special interest for the Republic of Croatia.

(3) Prison sentence shall be executed in prisons and jails.

(4) A prison sentence shall be served according to the provisions of this Law by adults sentenced to a prison sentence in criminal proceedings or in misdemeanor proceedings and by adults to whom a fine imposed in criminal proceedings or in misdemeanor proceedings has been replaced by a prison sentence.

The Purpose of the Execution of Prison Sentence

Article 2

The main purpose of the execution of prison sentence is, in addition to human treatment and respect of dignity of the person serving prison sentence (hereinafter: an inmate), to enable him/her for life in freedom in accordance with law and social rules.

Fundamental Rights and Their Restrictions

Article 3

(1) An inmate shall enjoy the protection of fundamental rights established in the Constitution of the Republic of Croatia, international agreements and this Law.

(2) Fundamental rights of an inmate may be restricted by the execution of a prison sentence only to the extent necessary for the achievement of the purpose of punishment and subject to the procedure specified in this Law.

(3) Rights of an inmate can be restricted only exceptionally, if it is indispensable for the protection of order and security in prison or jail, and protection of other inmates.

(4) The restrictions of fundamental rights of inmates provided in this Law shall be proportional to the reasons for which they are implemented.

Commencement of the Execution of Prison Sentence

Article 4

(1) The execution of a prison sentence shall commence after the sentence becomes final and enforceable.

(2) Exceptionally, the execution of a prison sentence may commence before the sentence becomes final, upon detained person's request, subject to the conditions set forth in this Law.

(3) The execution of prison sentence may be postponed in cases specified in this Law.

Obligations of Courts and Other Bodies

Article 5

(1) The first instance court shall forward the decision to the body responsible for the execution within three days after the date the decision becomes final and enforceable, or within three days after the receipt of a final and enforceable decision.

(2) Other bodies shall take necessary measures or acts in order to carry out the execution of prison sentence without delay and in accordance with this Law.

(3) State authorities, institutions and other legal persons responsible for the application of measures and procedures relevant for the execution of prison sentence shall cooperate with the bodies responsible for the execution of prison sentence.

Bodies Responsible for the Execution of Prison Sentence

Article 5

(1) The tasks of the execution of prison sentence shall be within jurisdiction and competence of the Ministry of Justice and the executing judge.

(2) The Ministry of Justice shall, by direct inspection and through reports, follow and examine the application of regulations on the execution of prison sentence, directly undertake or propose to the responsible bodies to undertake the measures for the improvement of the system of the execution of prison sentence, provide expert assistance for the execution of prison sentence, collect and process statistical data and perform other tasks specified in this Law and other regulations.

(3) In order to improve conditions of the execution of prison sentence and of post-release assistance to inmates, the Ministry of Justice shall cooperate with other state authorities, scientific and other institutions, professional associations and other legal entities.

(4) The Ministry of Justice shall once a year inform the Government of the Republic of Croatia and the public on the condition of prisons and jails and their operation.

(5) The Government of the Republic of Croatia shall, on the basis of the report from Paragraph 4 of this Article, inform once a year the Croatian National Parliament.

The Costs of the Execution of Prison Sentence

Article 7

Inmates shall not bear costs of the execution of prison sentence, and they shall not have to pay the fees for submissions, official actions and decisions related to the application of this Law, save where otherwise provided in this Law.

The Meaning of the Terms Used in this Law

Article 8

In this Law, individual terms shall have the following meaning:

1. A detainee is any person held in detention pursuant to a judicial decision.
2. A sentenced person is any person sentenced to prison sentence by a final decision, who is not yet serving the prison sentence in prison or jail, or to whom an interruption of serving sentence is granted or who has been released on parole.
3. An inmate is any person sentenced to a prison sentence for a criminal offence, serving the prison sentence in a prison or in a jail.
4. A prisoner is any person deprived of his or her freedom.
5. Family members of an inmate are his or her spouse or common law spouse, relatives in vertical line, relatives in horizontal line up to the fourth degree, adoptive parents and adopted children, in-laws up to second degree and a custodian.

CHAPTER II

BASIC PRINCIPLES OF THE EXECUTION OF PRISON SENTENCE

Prohibition of any illegal treatment

Article 9

(1) Prison sentence shall be executed in the way which guarantees the respect of human dignity of inmates. Any treatment submitting inmates to any form of torture, maltreatment or humiliation, or medical or scientific experiments, shall be prohibited and punishable.

(2) Any treatment which is disproportionate with the need to maintain order and discipline in prisons and jails or which is illegal and could result in suffering or

inappropriate restriction of fundamental rights of the inmate shall be deemed prohibited treatment from Paragraph 1 of this Article.

(3) An inmate who suffered from prohibited practices specified in Paragraph 1 of this Article, shall be entitled to the compensation of damages.

Prohibition of discrimination

Article 10

The execution of prison sentence must not discriminate inmates on the basis of their race, color, sex, language, religion, political or other belief, national or social origin, wealth, birth, training, social position or other characteristics.

Classification of inmates during the execution of prison sentence

Article 11

(1) For the purpose of the implementation of individual programs of execution of prison sentence, and the prevention of mutual bad influence, inmates shall be classified to prisons or jails according to their criminological and other characteristics and according to the special needs of programs of the execution of prison sentence (imposed security measures, professional training and training, general health condition and medical treatment, length of imprisonment etc.).

(2) Inmates shall serve their prison sentence jointly.

(3) Male and female persons shall serve prison sentence separately.

(4) Junior adults shall serve prison sentence separated from adults.

(5) In jails, inmates sentenced for criminal offences shall be separated from persons in detention and from persons sentenced in misdemeanor proceedings.

(6) Persons convicted for the first time shall, as a rule, serve their prison sentence separated from recidivists.

Regulation of execution of prison sentence and creation of individual programs for the execution of prison sentence

Article 12

(1) Prisons and jails shall do everything possible in order to make life of inmates serving their prison sentence as similar to actual general life conditions as

possible, and shall design appropriate programs of execution of sentences in order to help inmates to develop sense of responsibility.

(2) Prisons and jails shall encourage and assist inmates in removing damage inflicted by criminal offence and in assisting to and reconciling with the victims of criminal offence.

(3) Inmates shall be encouraged to volunteer in designing and implementation of individual program of the execution of prison sentence in order to develop a feeling of personal responsibility.

Preparing for release and post-release assistance

Article 13

During the execution of prison sentence prisons and jails shall provide for timely preparation of inmates for the release in cooperation with institutions and other legal entities which are responsible for such post-release assistance.

CHAPTER III

THE RIGHTS OF INMATES AND THEIR PROTECTION

Rights of inmates

Article 14

(1) Subject to the conditions set forth in this Law, every inmate shall be entitled to:

1. accommodation respecting human dignity and health standards;
2. protection of personality and ensuring confidentiality of personal data;
3. regular portions of food and water in compliance with medical standards;
4. work;
5. training;
6. expert legal assistance and legal remedies for protection of his or her rights;
7. medical care and protection of maternity;
8. contacts with the outside world;
9. a minimum of two hours a day to be spent outdoors within the prison or jail;
10. correspondence and conversation his/her attorney;
11. exercise of religion and contacts with authorized religious representatives;
12. getting married in prison or jail;
13. the right to vote on general elections;
14. other rights envisaged in this Law.

(2) Inmates - foreign citizens shall be entitled to correspond and have conversations with diplomatic and consular representatives of their country or of a state protecting their rights.

(3) When arriving to the execution of prison sentence an inmate has to be informed about his or her rights, about the way for their protection and about his or her responsibilities.

Inmates' complaints

Article 15

(1) Inmates shall have the right to file complaints concerning the treatment and decisions of prison or jail employees.

(2) A complaint shall be submitted in writing or orally to the warden of prison or jail (hereinafter: the warden), to the executing judge or to the Ministry of Justice. A written complaint to the executing judge or to the Ministry of Justice shall be sent in an envelope which must not be opened by the prison or jail administration.

(3) Inmates must be enabled to express their oral complaint in absence of employees of prison or jail, and in absence of the person against whose actions and decisions the complaint is directed.

(4) The warden shall reply to the filed complaint within fifteen days, and the Ministry of Justice or the executing judge, within thirty days. Written complaints shall be answered in writing.

Legal protection in disciplinary proceedings

Article 15

(1) In disciplinary proceedings, an inmate shall have the right to be informed about the proposal for instituting the proceedings and about evidence, as well as the right to fair deliberation about his or her guilt.

(2) The inmate subject to disciplinary proceedings for disciplinary offense which can be punished by solitary confinement shall be entitled to a defense attorney of his or her choice, and he or she has to be informed about this right.

(3) Only a licensed attorney, who may be substituted by his or her apprentice, may represent an inmate.

Judicial protection from acts and decisions of prison or jail administration

Article 17

(1) An inmate may file a request for judicial protection from acts and decisions illegally denying or limiting him or her in any right specified in this Law.

(2) Requests for judicial protection shall be decided by the executing judge .

Supervision over the operation of prisons and jails

Article 18

(1) The supervision over the operation of prisons and jails shall be performed by the Ministry of Justice in compliance with laws and regulations.

(2) The supervision over the implementation of medical care shall be performed by the Ministry of Health, and the supervision over the training programs shall be performed by the Ministry of Training and Sport.

(3) During the supervision, the Ministry of Justice may order the removal of established illegalities in the operation. The warden shall comply with such orders without delay and shall report to the Ministry about his or her compliance.

(4) Immediately upon receiving information on any illegal procedure, the warden shall inform the Ministry of Justice about it.

(5) The Minister of Justice shall enact the Rules on Methods of Implementation of Supervision over Prisons and Jails.

PART TWO

ORGANIZATION, JURISDICTION AND COMPETENCIES OF BODIES EXECUTING PRISON SENTENCE

CHAPTER IV

BODIES COMPETENT FOR THE EXECUTION OF PRISON SENTENCE

Prisons and jails

Article 19

(1) Prison sentence shall be executed in prisons and jails which are organizational units of the Directorate for the execution of Sentences of the Ministry of Justice. Prisons and jails shall be legal entities.

(2) The property of prisons and jails shall be owned by the Republic of Croatia, managed by the Ministry of Justice. The Ministry of Justice can dispose with

the property of prisons and jails only subject to a consent obtained from the Government of the Republic of Croatia.

(3) The issues relating to the rights and obligations of employees of prisons and jails (hereinafter: employees) and to organization of prisons and jails which are not regulated in this Law shall be governed by general laws and regulations.

Prisons

Article 20

(1) Prisons are established for the execution of prison sentence imposed against:

1. male adults;
2. female adults;
3. junior male adults;
4. junior female adults.

(2) Special prisons shall be established for the execution of prison sentence by recidivists, or they shall serve the sentence in a separate ward of the prison from Paragraph 1 of this Article.

(3) When a security measure of mandatory medical treatment of an addict has been imposed in addition to a prison sentence, it shall be executed in prisons.

(4) Convicts addicts to whom the security measure of mandatory medical treatment has been pronounced in addition to the prison sentence, and who prior to the commencement of the execution of sentence participated in a social-therapeutic treatment shall serve the sentence in separate prisons or in a separate part of the prison.

(5) As a rule, sick inmates shall be treated in the prison hospital.

(6) Prisons shall be established and closed by the Government of the Republic of Croatia subject to a proposal of the Minister of Justice.

(7) A prison may have its units in the place of its seat, or outside the place of its seat, and these units shall not have the status of organizational units, and prison sentence shall be served in them. Such units shall be established and closed by the Minister of Justice.

Jail

Article 21

(1) Jails are established for the execution of prison sentence pronounced in misdemeanor proceedings and of prison sentence pronounced in criminal proceedings, pursuant to the provisions of Article 49, Paragraphs 1 and 2 of this Law.

(2) Jails shall be established and closed by the Government of the Republic of Croatia subject to proposal of the Minister of Justice. Jails shall, as a rule, be established in the place of seat of a County Court.

(3) Jail may have its units in the place of its seat or outside the place of its seat. These units shall not have a status of organizational units, and sentences shall be served in them. Such units shall be established and closed by the Minister of Justice.

(4) In addition to tasks specified in Paragraph 1 of this Article, the Central State Jail in Zagreb shall perform medical, social, psychological, pedagogical and criminal treatment of convicts. When necessary for criminological treatment, information shall be requested from social welfare centers and the Ministry of the Interior.

Types of prisons and jails

Article 22

(1) According to the degree of security and limitation of the freedom of movement of inmates, there shall be high security, semi-security and minimum security prisons.

(2) According to the degree of security and limitation of the freedom of movement of inmates, jails shall be of high security.

(4) Prisons and jails, regardless of the degree of security and limitation of the freedom of movement of inmates may have, as their composite parts, high security, medium security and minimum security units.

Organization of Prisons and Jails

Article 23

(1) Depending on their size and the content of their tasks, prisons and jails may have sectors or departments. The sectors and departments may be established for the following fields: supervision, treatment and administration. Sectors may have two or more departments. The internal organization of prisons and jails, as well as the positions, occupation and salaries of employees shall be regulated by the Government of the Republic of Croatia.

(2) The tasks of the supervision sector or department shall be the following: prison or jail security and supervision of inmates along with the participation in the implementation of individual programs for the execution of prison sentence.

(3) The tasks of the treatment sector or department shall be the following: monitoring, proposing and making expert opinions, proposing and implementation of individual programs for the execution of prison sentence, supervision and monitoring of their implementation and evaluation of results, health care, training, making expert opinions related to the application of penological measures and extraordinary legal remedies, as well as other expert tasks.

(4) The tasks of the administrative sector or department shall be the following: human resources and financial management, keeping prescribed records of inmates, organization of work in manufacturing and services as well as other tasks which facilitate management and operation of prison or jail.

Warden

Article 24

(1) Prisons, jails and the Training Center from Article 32, Paragraph 2 of this Law shall be managed by a warden.

(2) The warden is a public servant who has to have university diploma in social sciences, professional and working experience of at least five years, outstanding capability of management and positive human characteristics which can serve as a model for the conduct of employees and inmates.

(3) The warden can have his or her deputy who has to meet requirements specified by Paragraph 2 of this Article.

Warden's Advisory Board

Article 25

(1) Warden's Advisory Board shall consist of the heads of organizational units of prisons and jails.

(2) Warden's advisory board shall consider, examine and propose a task implementation plan at least once a month.

CHAPTER V

EMPLOYEES

Admission to service or to employment

Article 26

(1) The Minister of Justice shall be responsible to decide whether it is necessary to recruit employees to prisons or jails, and shall supervise the implementation of his or her decision. The Minister of Justice shall make the decision upon warden's proposal.

(2) The Minister of Justice shall hire to service, assign to occupations, appoint to positions and dismiss wardens, their deputies and heads of organizational units, admit to service, assign to occupations and dismiss members of the supervision sector or department. Other employees shall be hired to service, i.e. to employment, assigned to occupations and to public service or to working positions by warden, subject to prior consent of the Minister of Justice.

(3) Subject to the decision specified in Paragraph 1 of this Article the warden shall initiate and implement the hiring procedure.

Affairs related to the execution of prison sentence

Article 27

(1) The affairs related to the execution of prison sentence shall be performed by public servants in compliance with the duties and tasks of their position as public servants.

(2) Public servants working in a prison or jail may perform other duties specified in Article 23 of this Law, provided they are qualified for them.

(3) Due to justified reasons, expert tasks specified in Article 23, Paragraph 3 of this Law may be performed by other experts from outside the prison or jail, on the basis of warden's decision made subject to a prior consent of the Minister of Justice.

Authorized officials

Article 28

(1) The Minister of Justice and public servants employed in the Directorate for the Execution of Sanctions of the Ministry of Justice, shall be authorized officials who shall perform direct administrative supervision and inspection over the legality of the work of prisons and jails and of the treatment of inmates, as well as public servants employed in prisons and jails working in specific conditions or vested with special authority and tasks.

(2) Authorized officials specified in Paragraph 1 of this Article shall carry an official identity card and a badge.

(3) More detailed regulations on the official identity card and the badge shall be issued by the Minister of Justice.

Authority and duties of authorized officials

Article 29

(1) Authorized officials shall have authority and duty to perform all acts necessary for the execution of prison sentence within their competence.

(2) Authorized officials - members of supervising sector or department may apply coercion and fire arms in compliance with Articles 142 and 143 of this Law.

Special rights of authorized officials

Article 30

(1) Due to the hardness and nature of their work, as well as due to specific conditions of work, authorized officials shall be entitled to have every twelve months spent on such assignments calculated as sixteen months of pension insurance period, and a monthly salary allowance of at least 20% shall be provided in the state budget.

(2) The pension insurance rights of authorized officials shall be regulated by a separate law.

(3) Authorized officials who have acquired the right to a pension shall be entitled to a severance pay in the amount of last five salaries calculated according to general regulations.

Duties of employees

Article 31

(1) Public servants employed with prisons, jails and with the Training Center shall cooperate and contribute to the achievement of the purpose of the execution of sentences.

(2) Employees shall keep all information referring to inmates as an official and professional secret during and following the termination of their service or employment.

(3) The behavior of employees must be such as to have positive influence on inmates.

(4) Public servants shall cooperate with persons specified in Article 5, Paragraph 3 of this Law for the purpose of the achievement of the objective of the execution of prison sentence.

(5) In order to meet the needs of service public servants employed with a prison, a jail or with the Ministry of Justice may be required to work after regular working hours.

(6) In order to meet the needs of service, public servants mentioned in Paragraph 5 of this Article may be temporarily denied the right to an annual leave, or such a leave may be interrupted.

(7) In order to meet the needs of service, the Minister of Justice may temporarily transfer public servants mentioned in Paragraph 5 of this Article to another prison or jail for a period not exceeding three months, and subject to his or her consent for a period not exceeding six months within one calendar year.

(8) For purposes of security, order and discipline in a prison or jail, the Minister of Justice may temporarily transfer authorized officials mentioned in Article 28, Paragraph 1 of this Law to work in the respective prison or jail, and may order equipment to be put to their disposal for as long as the need exists.

(9) Even when not in service, an responsible official shall have the obligation to report important information which may have influence on the execution of prison sentence to the Ministry of Justice and to the prison or jail administration.

Training of employees

Article 32

(1) Professional training in compliance with the training rules and programs passed by the Minister of Justice shall be obligatory for all employees of prisons and jails.

(2) Training shall be performed in the Training Center which is, in compliance with Article 19, Paragraph 1 of this Law, an organizational unit of the Administration for the Execution of Sentences of the Ministry of Justice.

(3) Training may be performed in other educational institutions as well.

Supervision Sector or Department

Article 33

(1) Members of the supervision sector or department shall provide security of prisons, jails, persons and property, shall monitor inmates, take part in the implementation of individual programs for the execution of prison sentence while keeping internal order and discipline, escort inmates and perform other tasks envisaged in this Law.

(2) Assignments related to internal security of jails for women and of the prison for women shall be performed by female members of supervision sector or department.

(3) When performing the tasks of external security of prisons or jails members of supervision sector or department may use official dogs.

(4) Escort of inmates shall be performed by special appropriately equipped vehicles which enable protection of health and human dignity of inmates and ensure their protection minimum exposure to public.

(5) When in service, members of supervision sector or department shall be uniformly dressed and shall be armed in compliance with assignments and tasks of their position in service.

(6) Members of supervision sector or department shall be assigned to special positions indicated by appropriate signs.

(7) The Government of the Republic of Croatia shall enact regulations on positions, signs and conditions for the admission to supervision sector or department, as well as regulations on uniforms and official vehicles.

(8) More detailed regulations on methods of performance of the tasks of supervision sector or department service shall be enacted by the Minister of Justice.

Special requirements for the admission to supervision sector or department

Article 34

(1) In addition to general requirements for the admission to public service, a member of the supervision sector or department shall have to:

1. meet special health requirements,
2. be under 30 year of age for assignments requiring high school education,
3. completed military service.

(2) The Minister of Justice, subject to the consent from the Minister of Health, shall enact the Rules on Special Health Requirements for the Members of Supervision Sector or Department.

Treatment Sector or Department

Article 35

In accordance with work programs, the necessary number of experts: social workers, social pedagogues, pedagogues, medical doctors, psychologists, professors and teachers shall be planned and ensured in the treatment sector or department.

Disciplinary responsibility

Article 36

(1) Employees shall be held responsible pursuant to general regulations for the breach of their official or professional duties.

(2) First instance proceedings for a serious violation of official duty shall be instituted, conducted and deliberated by a special public service court for public servants employed within the system of the execution of prison sentence, in compliance with general laws and regulations.

(3) Immediately superior public servant or public servant entrusted with training of trainees shall be responsible for the work of trainees related to the performance of expert assignments for which they are trained.

Serious violations of official duty

Article 37

In addition to serious violations of official duty specified by general laws and regulations, the following shall be deemed a serious violation of official duty:

1. relationship with an inmate which is not in compliance with prescribed tasks or is contrary to the purpose of the execution of sentence,
2. non-performance of prescribed measures which caused detrimental consequences or serious possibility of their emergence,
3. prevention of exercise of guaranteed rights of inmates,
4. unjustified absence from work during three consecutive days or during four days within period of thirty days,
5. destruction, alienation or damaging of the entrusted state property including uniform, arms and equipment,
6. careless treatment of state property which caused detrimental consequences or serious possibility of their emergence,
7. failure to report crimes related to service which are prosecuted *ex officio*,
8. failure to report acts of inmates which amount to a serious offense.

CHAPTER VI

RESOURCES FOR WORK

Financing of prisons, jails and the Training Center

Article 38

(1) Financial resources for the operation of prisons, jails and the Training Center shall be provided in the State Budget.

(2) Resources acquired by inmate labor in manufacturing and services, and resources acquired by inmate labor with another employer outside a prison or jail shall be used as supplementary resources for the needs of programs of execution of prison sentences. The manner of use of these resources shall be decided by the prison warden subject to a consent obtained from the Minister of Justice, in accordance with the Regulation from Article 80, Paragraph 5 of this Law.

(3) The resources from Paragraph 1 of this Article shall constitute the revenue of prisons, jails and the Training Center, and shall be kept on the accounts of the Ministry of Justice. The resources from Paragraph 2 of this Article shall constitute income of prisons and jails. They shall be kept on their accounts, and they shall be used for compensations for the work of inmates, for current expenditures and investment, acquisition of raw materials and materials necessary for work, and for other purposes determined in the Regulation from Paragraph 2 of this Article.

(4) The amount of the resources for carrying out legal tasks, current expenditures and capital investments, as well as the use of additional resources shall be established on the basis of calculation of income and expenditures, and the programs of prisons, jails and the Training Center.

(5) Arms and equipment purchased for the needs of prisons jails and of the Training Center shall be exempted from taxation and payment of fees (taxes, customs duties, deposits, fees etc.).

Resources for performance of tasks specified by law

Article 39

The resources for the performance of the tasks specified by law shall be provided in the State Budget and shall comprise:

1. resources for payment of expenditures related to subsistence of inmates which shall be spent for:

- meals, clothing, shoes and accommodation,
- health care, cleaning and personal hygiene,
- compensation for work, training and unemployment, financial assistance and awards,
- expenditures of transfer, escort, removal and release,
- physical training and free time activities,
- training
- equipment and repairs and construction of accommodation facilities, working facilities and free time facilities,
- occupational injury insurance,
- execution of the measure of compulsory treatment of addiction,
- expenditures for expert services of third persons related to tasks specified in Article 23, Paragraph 3 of this Law;
- funeral expenses;

2. resources for covering special expenditures of employees of prisons, jails and of the Training Center which shall be spent for:

- uniforms, equipment, arms and medical examination related to service,
- costs of training,
- communication equipment for communication between the Ministry of Justice and prisons, jails and the Training Center,
- costs of admission to service or employment and resources for temporary assignment to work at other prison, jail or to the Training Center,
- expenditures related to death of employees in line of their service, or in relation to their service,
- compensation to employees or third persons in the case of a physical injury caused by an insult of inmates in a prison, jail or during escort.

Resources for current expenses and capital investments

Article 40

Current expenses and capital investment comprise of resources for:

1. personal income of employees,
2. costs for the spent supplies, energy, utilities and other services,
3. current maintenance of buildings, equipment and vehicles,
4. payment of financial expenses,
5. construction and reconstruction of structures and other facilities in prisons, jails and in the Training Center as well as for apartments for official needs of employees,
6. purchase of equipment.

CHAPTER VII

EXECUTING JUDGE

Establishment of the Executing judge

Article 41

(1) The Executing judge shall be established with a county court and for the territory of the court's territorial jurisdiction.

(2) The Center for the Execution of Prison Sentence (Execution Center) shall be established with a county court on the territory of which a prison or jail is located, when required by the amount of its work.

(3) The Execution Center shall consist of two or more executing judges and necessary expert and assisting staff, headed by the executing judge designated by the president of the court.

(4) The Supreme Court of the Republic of Croatia shall convene a meeting of executing judges at least once a year for the purpose of the unification of the implementation of this Law.

*Subject matter jurisdiction and
competence of executing judge*

Article 42

(1) The executing judge shall protect rights of inmates, supervise legality of procedure of the execution of prison sentence and shall ensure equal rights and equality of inmates before law.

(2) The executing judge shall undertake actions and decide on:

1. sending to the serving of prison sentence;
2. requests for judicial protection of rights specified in this Law,
3. granting or withdrawing interruption of serving of prison sentence;
4. granting or withdrawing parole;
5. computation of sentence, where appropriate decision was not made by a court having jurisdiction in the matter,
6. statute of limitation for the execution of a prison sentence, or termination of the execution due to inmate's death, where appropriate decision was not made by the court having jurisdiction in the matter,
7. post-release assistance measures.
8. other cases regulated by this Law.

(3) The executing judge annul, reverse or affirm decisions made by warden or by the Ministry of Justice in a second instance decision.

(4) The executing judge shall forward the final decision to the Ministry of Justice.

Territorial jurisdiction of the executing judge

Article 43

(1) Convicts shall be directed to the execution of prison sentence by the executing judge having territorial jurisdiction over the place of convict's permanent or temporary residence, save where otherwise provided in this Law.

(2) During the execution of prison sentence, decisions mentioned in Article 42, Paragraph 2, points 2 to 9 of this Law, except the decisions recalling the execution of sentence or of parole, shall be made by the executing judge having territorial jurisdiction in respect of the location where the prison sentence is being served.

(3) In the case of a change of location of the serving of a prison sentence, the executing judge shall forward transcript of the file either to another executing judge having jurisdiction in the matter, or to the executing judge having jurisdiction over the supervision of the parolee, or having jurisdiction over the post-release assistance.

(4) Decisions recalling discontinuance of the execution of prison sentences, parole, or post- release assistance shall be made by the executing judge having territorial jurisdiction over the place of convict's permanent or temporary residence.

Proceedings before the executing judge

Article 44

(1) First instance proceedings before the executing judge may be instituted upon a motion of a party or *ex officio*, and second instance proceedings – upon appeal.

(2) The executing judge shall proceed in a way that, pursuant to fundamental principles, guarantees an efficient protection of convict's rights and interests. Proceedings and decision-making of the executing judge shall be governed by the provisions of the Law on Criminal Procedure applicable to deliberations at the sessions of appeal panels, save where otherwise provided in this Law. During the proceedings, the executing judge shall enable the parties to make their observations regarding the facts and regarding the allegations of the opposite party, and to propose new facts and evidence.

(3) Parties to the proceedings are: the convict, the state's attorney and the prison or jail.

(4) During the proceedings, the convict shall be entitled to expert legal assistance of an attorney of his or her choice. The said assistance must not be rendered by a person who, subject to general regulations, is not permitted to be a defense counsel in criminal proceedings. If a convict does not provide for the presence of his or her legal representative within 24 hours, proceedings shall be conducted in his or her absence.

(5) If a convict is not financially able to pay the costs of representation and can not represent himself or herself, the court may appoint a legal representative upon his or her request.

(6) During the proceedings the executing judge may have access to all official documents, may visit premises of a prison or jail without prior notice and may establish facts in another way.

(7) The executing judge may hold hearing outside a court building subject to warden's reasoned proposal or upon his or her own decision.

Proceeding on appeal from warden's decision and from decision of the Ministry of Justice

Article 45

(1) A convict may appeal from warden's decision or from the decision of the Ministry of Justice to the executing judge within eight days following the receipt of the decision, save where otherwise provided in this Law.

(2) A convict may appeal against a measure denying or restricting him or her some right within thirty days from the date the measure is pronounced or from the date the measure commenced to be implemented.

(3) The appeal from the decision specified in Paragraph 1 of this Article shall not suspend execution, save where otherwise provided in this Law. In such a situation, the warden shall immediately communicate the decision to the inmate concerned who may appeal from the decision by giving a statement to the record. An executing judge shall decide the appeal within three days following receipt thereof.

(4) An inmate may not waive his or her right to appeal.

Appeal from the decision of the executing judge

Article 46

(1) Parties, legal representative of a convict or an inmate and persons specified in Article 363, Paragraphs 1 and 2 of the Law on Criminal Procedure (Narodne novine No. 110/97) may appeal from the first instance decision of the executing judge within three days following the receipt thereof. The appeal shall suspend the execution of the decision.

(2) The appeal shall be filed with the executing judge who shall forward it to the court panel without delay. The court panel shall decide the appeal within eight days following receipt thereof.

Consideration of the course of the execution of prison sentence

Article 47

The executing judge shall consider the course of the execution of prison sentence in respect of inmates sentenced to prison sentence of more than five years at least once a year. The executing judge shall talk with the inmate and instruct him or her about his or her rights from this Law, and about the way of exercise of these right.

PART THREE:

THE COURSE OF THE EXECUTION OF PRISON SENTENCE

CHAPTER VIII

THE CRITERIA FOR SENDING AND SENDING TO THE EXECUTION OF PRISON SENTENCE

Executing judge having jurisdiction for sending to the execution of prison sentence

Article 48

(1) The first instance court that adjudicated in the case in which a final unconditional prison sentence was delivered shall forward without delay the transcripts of the decision, the social questionnaire, the opinion of expert witnesses, excerpts from criminal records and, if necessary, other information to the executing judge having jurisdiction for sending convicts to the execution of prison sentence.

(2) Upon the receipt of the transcript of the judgement from Paragraph 1 of this Article, the executing judge shall take action within eight days for the purpose of the execution of prison sentence.

(3) If a convict is held in detention, the executing judge having territorial jurisdiction over location where the convict is detained shall perform acts mentioned in Paragraph 2 of this Article.

(4) If convict's place of permanent or temporary residence is unknown or is abroad, or if he or she was sentenced *in absentia*, the acts specified in Paragraph 2 of this Article shall be performed by the executing judge having jurisdiction over the location where the first instance judgement was issued.

Criteria for sending to the serving of prison sentence

Article 49

(1) Convicts sentenced to prison sentence for less than three months, and convicts who have to serve the remainder of their prison sentence not exceeding three months shall be sent to the jail nearest to the place of their permanent or temporary residence.

(2) Convicts sentenced to prison sentence of more than three months, but less than one year and convicts who have to serve the remainder of their prison sentence between three months and one year shall be sent to the jail nearest to the place of their permanent or temporary residence or to a prison.

(3) Convicts sentenced to prison sentence of more than one year and convicts who have to serve the remainder of their prison sentence of more than one year shall be sent to the Central State Jail in Zagreb for the purpose of the performance of expert tasks specified in Article 21, Paragraph 4 of this Law and for the purpose of

proposing individual programs for the execution of prison sentence and proposing of prison or jail in which the sentence is going to be executed. The Ministry of Justice shall decide in which prison or jail the sentence is going to be executed.

(4) Convicts sentenced to a prison sentence to whom at the same time a security measure of mandatory psychiatric treatment has been pronounced shall be sent to the execution of the prison sentence and security measure in accordance with the provision of Paragraph 3 of this Article.

Summons and decision on sending

Article 50

(1) The executing Judge shall request a social questionnaire to be made for a convict and shall collect other information he or she deems important for the determination of methods for the execution of sentence, and shall summon the convict in order to serve him or her the decision on sending to the execution of prison sentence (hereinafter: the decision on sending) and shall send him or her money for coverage of public transportation costs to the prison or jail to which the convict is sent. When serving the decision on sending the executing judge shall inform the convict about provisions of Articles 54, 55 and 56 of this Law. The convict may apply for a postponement of the execution of prison sentence within three days following the receipt of the decision on sending.

(2) If a convict does not respond to the court the executing judge shall issue an arrest warrant to police administration having jurisdiction in the matter.

(3) Decision on sending shall contain: personal information concerning the convict who is being sent, information concerning the final judicial decision on basis of which the convict is sent, information identifying prison or jail to which the convict is sent, day, month and year on which the convict has to appear or the deadline within which he or she has to be escorted and an instruction specifying legal remedies.

(4) The date on which the convict has to report to a prison or jail must be determined in such a way that not be less than fourteen and not more than twenty one days elapse between the day when the decision on sending is served and the day when the convict must appear in prison or jail.

(5) Public transportation costs and costs of escort from detention shall be borne by the prison or jail to which the convict is sent.

Obligations of executing judge

Article 51

(1) Not later than three days prior to the day on which convict is due to report to the execution of sentence, the executing judge shall forward to the prison or jail the following transcripts: decision on sending, judicial decision, social questionnaire, excerpt from criminal records and other information which is at his or her disposal.

(2) If on the basis of the warden's report it is established that the convict who was properly sent to the execution of sentence did not appear, the executing judge shall issue an escort warrant to the police administration having jurisdiction in the matter. The costs of the escort shall be borne by the prison or jail which can compensate the damage by adequate application of Article 150 of this Law.

(3) When the convict who provides for minors or persons incapable to take care of themselves, or for persons who are financially dependent, is sent to the execution of sentence, the executing judge shall notify the appropriate social care center thereof which shall have the obligation to take necessary measures without delay and to inform the executing judge about them.

Arrest warrant

Article 52

(1) The executing judge shall issue an arrest warrant for a run-away convict. The warrant shall be addressed to the police administration in the place of seat of the executing judge. The arrested convict shall be held in custody at the court nearest to the seat of the executing judge until the decision becomes final. After the decision becomes final, the arrested convict shall be escorted to the prison or jail at his or her expense.

(2) The executing judge shall withdraw the arrest warrant when the convict is arrested, if the statute of limitation expires regarding the execution of sentence or for other reasons which render the arrest warrant obsolete.

(3) The commencement of a prison sentence shall be calculated as of the moment when convict reports to the execution, and in the case of a compulsory escort or custody pursuant to Paragraph 1 of this Article - as of the moment when the convict was deprived of his or her freedom.

Sending to prison before the judgment becomes final

Article 53

(1) A detainee may apply for a sending to service of sentence before the judgment becomes final. A detainee may give a statement to the records, and the jail shall forward it to the president of the panel for decision, in accordance with Article 355, Paragraph 3 of the Law on Criminal Procedure (Narodne novine No. 110/97).

(2) When deciding on the application from Paragraph 1 of this Article, the president of the panel shall take in consideration the length of the sentence

determined on the basis of non-final decision, remoteness of prison or jail with respect of the necessity of the presence of the accused during criminal proceedings and other circumstances. Before deciding on the application from in Paragraph 1 of this Article, the president of the panel shall warn the detainee that he or she shall have equal treatment as other inmates while in prison or jail.

(3) Final decision mentioned in Paragraph 1 of this Article shall be forwarded to the executing judge according to the seat of the jail to continue with the proceedings.

(4) The execution of prison sentence pursuant to the decision mentioned in Paragraph 2 of this Article may not exceed deadlines envisaged for detention, specified by the Law on Criminal Procedure.

CHAPTER IX

POSTPONEMENT OF THE EXECUTION OF PRISON SENTENCE

Reasons for suspension

Article 54

(1) Upon convict's application and subject to his or her consent, as well as upon request of his or her spouse or relative specified in Article 363, Paragraph 2 of the Law on Criminal Procedure (Narodne novine No. 110/97), upon request of his or her defense counsel, state's attorney or social care center, the executing judge may postpone the execution of a prison sentence. The application for the postponement of the execution of a prison sentence may be filed within three days following the service of the decision on sending, and even after this deadline if the reasons for the postponement occurred later, but not later than three days after applicant had learned about them.

(2) The executing judge shall make decision mentioned in Paragraph 1 of this Article after having conducted the procedure in order to establish whether the reasons for postponement exist, within three days following receipt of the application.

(3) The reasons for postponement are the following:

1. serous acute illness or substantial escalation of an existing chronic illness which can not be treated in prison or jail,
2. death of convict's family member,
3. necessity of performance or completing indispensable seasonal works and works caused by natural catastrophe or other disaster, if there is no other person in convict's family who is capable to work,
4. obligation of convict to complete works if non-completion could cause substantial damage,
5. end of a school year or examination,
6. custody of child younger then one year,
7. pregnancy - less then six months before delivery,

- 8. hazardous pregnancy,
- 9. upbringing and care for minors, care for convict's old, sick or infirm family members, or for persons supported by convict - if the social care center having territorial jurisdiction over their place of permanent residence finds out that such care is necessary, if the convict has the obligation to provide for such support.

(4) The execution of prison sentence on the grounds specified in Paragraph 3, point 1 of this Article can be postponed for as long as illness exists; on grounds specified in point 2 - up to three months; on grounds specified in points 3 and 4 - until the works are completed, but not longer than three months; on the grounds specified in point 5 - not longer than six months; on the grounds specified in points 6, 7 and 8, until the child's 1st birthday; on the grounds specified in point 9 - not longer than six months.

(5) The postponement of the execution of sentence may not exceed twenty months altogether.

Postponement of sentence to military recruits

Article 55

(1) A convict who was drafted to serve military service or to attend military exercise shall be sent to serve prison sentence before military service or military exercise.

(2) A convict who was sentenced for the crime committed before the commencement of military service or military exercise to prison sentence not exceeding six months while in military service or while attending military exercise, shall be sent to the execution of prison sentence after the military service or military exercise.

(3) Sending to the execution of military sentence shall be postponed in respect of convicts sentenced to prison or juvenile prison sentence of less than two years for crime committed before commencement of military service - if less than four months remain until the end of military service.

(4) In case of war or direct threat to independence and integrity of the Republic of Croatia, sending persons who are obliged to serve military service to the execution of prison sentence can be postponed for as long as such circumstances exist.

Cancellation of the decision on postponement

Article 56

(1) The executing judge shall cancel the decision on the postponement of the execution of prison sentence if the reasons for the postponement cease to exist or if the convict is not using the postponement for the reasons for which it has been granted, or if he or she is committing punishable acts.

(2) The social care center, state's attorney and police department or police station shall inform the executing judge about the reasons to cancel the decision on the postponement of the execution of prison sentence.

CHAPTER X

PROCEDURE OF RECEPTION OF INMATES AND DETERMINATION OF METHODS OF THE EXECUTION OF PRISON SENTENCE

Identification of convicts upon reception

Article 57

(1) A convict shall be admitted to a prison or jail on the basis of the decision on sending.

(2) When arriving to a prison or jail convicts shall be identified on the basis of information stated in the judicial decision and on the basis of other information relevant for identification.

(3) If suspicion as to convict's identity emerges, the authorized official shall detain person who has appeared for the execution of sentence and shall inform police administration having territorial jurisdiction over the territory where the seat of the prison or jail is located, which shall undertake measures in order to establish identity.

Search and physical examination

Article 58

Following the reception to prison or jail authorized official shall perform search and physical examination of the inmate.

Taking specific personal information

Article 59

Inmate shall be photographed, his or her fingerprints shall be taken, his or her height and weight measured, and his or her personal description recorded.

Procedure with personal possessions

Article 60

(1) When admitting a convict to prison or jail his or her personal possessions shall be inspected.

(2) Personal possessions keeping of which is not permitted as well as clothing which is not going to be kept shall be listed, taken and stored in a storage, or sent to person designated by the convict at his or her expense. The convict shall receive a receipt thereof. Things which can not be stored or sent to other persons shall be destroyed and a minutes shall be made thereof. A copy of the minutes shall be given to the inmate.

(3) Items which are suspected to be related to the commission of crime shall be taken from their owner and sent to the competent state body, together with the minutes thereof. Things which are suspected to be intended to serve for inmate's escape, disturbance of order and security and items which are suspected to be able to threaten health shall be taken and destroyed or forwarded to the competent state body. Minutes shall be made thereof and a copy of the minutes shall be sent to the inmate.

Permitted things

Article 61.

(1) Upon the reception the inmate may keep the following things: underwear, clothing, shoes, a belt, shaving equipment which does not jeopardize safety, bedding, a wallet, a notebook, a wedding ring, a watch, a pencil, a pipe, cigarettes, tobacco, a lighter, books, photographs, battery powered radio receiver and other things for personal use and hygiene.

(2) In the case of abuse, the things specified in Paragraph 1 of this Article may be seized.

(3) Warden may permit an inmate to keep other things if it is not contrary to the Rules of Internal Order, interests of security and the needs of individual program for the execution of prison sentence.

Valuables, money, securities and documents

Article 62

(1) Valuables, securities and personal and other documents shall be listed in the presence of inmate and stored in the prison or jail. The inmate shall receive a receipt in witness thereof.

(2) Inmate's money shall be counted in his or her presence and stored as a deposit or left to the inmate in compliance with the Rules of Internal Order.

(3) Upon an inmate's request, things specified in Paragraph 1 of this Article shall be sent to the person designated by him or her.

Medicines and prosthetic limbs

Article 63

Upon the reception the inmate may keep prosthetic limbs and other necessary medical devices. Medicines can be kept subject to doctor's approval.

Reception book

Article 64

(1) Reception book is a record of reception of inmates.

(2) The following information shall be entered into the reception book: date and hour of reception of inmates, decision on sending and substantial remarks referring to inmates.

(3) Reception book shall be signed by an responsible official and by the inmate.

(4) Reception book shall be stored with the Register of Inmates without delay and within 24 hours at latest.

Medical examination

Article 65

(1) Not later then 24 hours following the registry with the Register of Inmates, a medical doctor shall perform medical examination of the inmate.

(2) Upon an inmate's request or on the basis of medical malfunctions noticed upon the reception, medical examination shall be performed without delay.

Instruction about rights and obligations

Article 66

In order to exercise the rights guaranteed in this Law inmates must have access to the text of this Law and to the text of the Rules of Internal Order. A written explanation of rights and obligations during the execution of prison sentence shall be communicated to inmates without delay.

Notice of admission of an inmate

Article 67

Prison or jail shall inform, within three days, the executing judge having jurisdiction over sending and the court that delivered the first instance decision, about

the reception of inmate, and it shall immediately provide the opportunity for the inmate to notify his family members about it.

Accommodation of inmates
Article 68

(1) Upon the arrival to prison or jail inmate shall be accommodated in special reception premises where he or she may stay during the period not exceeding thirty days.

(2) Within the period specified in Paragraph 1 of this Article information necessary for the determination of individual program for the execution of prison sentence shall be collected.

Individual program for the execution of prison sentence
Article 69

(1) Individual program for the execution of prison sentence (hereinafter: execution program) is a set of pedagogic, labor, occupational, health, psychological and safety acts and measures used for planning of execution of prison sentence in the way appropriate to the characteristics and needs of a particular inmate as well as to the type and possibilities of a prison or jail. The execution program shall be developed so that it achieves the purpose of the execution of prison sentence, as defined by Article 7 of this Law.

(2) Warden shall make execution program for each inmate, subject to the proposal of the expert team of the prison, jail, or of the Central State Jail in Zagreb.

(3) The execution program shall include information on: allocation to unit, working assignment, use of free time, special procedures (compulsory medical treatment against drug addiction, social, psychological or psychiatric assistance, team and individual work), professional training and training, contacts with the world outside the prison or jail, benefits and special security measures, program for the preparation for release and post release assistance.

(4) Execution program may be amended depending on the assessment of inmate's behavior and achieved results and circumstances which may emerge during the execution of sentence.

(5) Warden shall reconsider execution program at least once in three months.

(6) Compulsory medical treatment against drug addiction shall be performed pursuant to the National Program for the Suppression of Drug Addiction.

(7) The inmate shall be informed about execution program and its amendments. The program and its amendments shall be entered into inmate's personal file.

Register of inmates
Article 70

(1) For the purpose of legal execution of prison sentence, information concerning inmates shall be collected, unified, entered and stored in the Register of Inmates (hereinafter: the register).

(2) The Register shall contain:

1. personal information about inmate,
2. information concerning judicial decision which is being executed,
3. decision on sending.

(3) Information shall be entered to the register within 48 hours after receiving the reception book.

Inmate's personal file
Article 71

(1) Information and documents necessary for monitoring the legal course of the execution of prison sentence and for the implementation of execution program shall be entered into inmate's personal file (hereinafter: personal file).

(2) The personal file shall consist of:

1. information referring to inmate, judicial decision and sentence,
2. transcript of judicial decisions and decisions of other state authorities related to sentence and its execution.
3. findings and opinion of treatment sector or department and remarks of the supervision sector or department,
4. execution program and its amendments made during the execution of prison sentence.

(3) Information referring to nationality and religion shall be entered to personal file subject to inmate's consent.

Confidentiality of information
Article 72

(1) Information contained in a personal file and other information learned by employees during the execution of prison sentence shall be deemed official and professional confidential information.

(2) Access to information mentioned in Paragraph 1 of this Article shall be granted to the inmate, warden, authorized officials according to assignments and tasks of their position in service and to persons responsible to supervise operation of

prisons and jails. Inmates may be denied access to information contained in individual expert reports and in opinions of authorized officials.

(3) Police authorities may have access to information contained in personal file within their legal powers, for the purpose of detection and prevention of crime and subject to warden's permission.

(4) Following a release of an inmate from the execution of prison sentence his or her personal file shall be stored and kept in compliance with general regulations on protection of archives.

Central Register Article 73

(1) The Ministry of Justice shall keep a Central Register.

(2) The Central Register shall contain information specified in Article 70 of this Law.

(3) More detailed regulations concerning the Register, personal files and other registers shall be enacted by the Minister of Justice.

CHAPTER XI

ACCOMMODATION, FURNISHING AND MEALS OF INMATES

Accommodation of inmates Article 74

(1) Accommodation of inmates has to meet health, hygienic and spatial standards and be appropriate to the climate.

(2) Inmates shall, as a rule, be accommodated in separate rooms.. Inmates which are believed not to cause negative influence can be accommodated in the same room. Each inmate shall have his or her own bed. Inmates shall spend free time in living rooms, together with other inmates

(3) Premises where inmates are accommodated have to be dry, clean and large enough, so that each inmate has at least 4 m² and 10 m³ of space.

(4) Each room in which inmates live or work has to have daily and artificial light which enables reading and work without causing any difficulties for sight.

(5) Prisons and jails have to be equipped with sanitary equipment which enable regular satisfaction of physiological needs in clean and appropriate environment, whenever inmates need them.

(6) Potable water must always be accessible to inmates.

Accommodation of disabled inmates
Article 75

Inmates suffering disability shall be granted accommodation appropriate to the kind and degree of their disability.

Personal hygiene and cleaning of premises
Article 76

(1) All premises in a prison or jail must be well maintained and regularly cleaned.

(2) Assignments specified in Paragraph 1 of this Article shall be performed by inmates up to two hours a day, without financial compensation.

(3) Inmates shall be enabled to wash their bodies every day. Inmates are required to keep personal hygiene. A prison or jail shall ensure water and toilet things for keeping personal hygiene and clean laundry, clothing, shoes and bedding. Beard, mustaches and long hair can be exceptionally prohibited for the reasons of security or health.

(4) Supervision of personal hygiene and tidiness shall be performed by a medical doctor or by other medical expert.

Underwear, clothes, shoes and bedding
Article 77

(1) A prison or jail shall provide inmates with underwear, clothes, shoes and bedding appropriate for the climate.

(2) An inmate may wear his or her own underwear, clothes and shoes, as well as use his or her own bedding.

(3) Warden may deny wearing of private underwear, clothes, shoes and use of private bedding for the reasons of health and hygiene or security.

(4) At work, inmates shall wear prescribed working clothes and shoes and shall use measures of protection.

(5) All underwear, clothes, shoes and bedding have to be clean and tidy. Working clothes and shoes have to be clean and tidy, in compliance with working conditions.

(6) When leaving a prison or jail inmates shall wear their own underwear, clothes and shoes. If he or she does not have their own, appropriate things shall be provided for.

(7) Upon reception of an inmate care has to be taken to preserve his or her own clothes.

(8) More detailed regulations concerning underwear, clothes, shoes and bedding shall be enacted by the Minister of Justice.

Meals Article 78

(1) Inmates shall be offered appropriately prepared and served meals in regular time intervals. Quality and quantity of meals shall satisfy the requirements of nutrition and hygiene and shall be appropriate to age, health, nature of work and, depending on possibilities of a prison or jail, to inmate's religious and cultural preferences.

(2) A sick inmate shall receive food of quality and in amount designated by a medical doctor.

(3) Inmates shall be daily granted at least three meals comprising at least 3,000 kcal a day. Composition and nutritional value of food shall be supervised by a medical doctor or by another medical expert.

(4) If an inmate's request for the exemption of certain food can not be met, he or she shall be permitted to buy supplies in the prison or jail shop, at his or her expense.

(5) Regulation regulating standards of accommodation and meals for inmates shall be passed by the Minister of Justice subject to consent of the Minister of Health.

Purchase of supplies Article 79

(1) Inmates shall be permitted to buy food and other personal things in prison or jail shop.

(2) When supplying the shop justified needs of inmates shall be respected.

(3) Warden may deny an inmate purchase of goods for reasons of security, and subject to an opinion of a medical doctor – for reasons of health and hygiene.

(4) If prison or jail does not have a shop, warden shall have the obligation to provide for a possibility of purchase of goods in other appropriate way.

CHAPTER XII

INMATE LABOR

Employment of inmates

Article 80

(1) Inmate shall be permitted to work as far as his or her health capacity, acquired knowledge and possibilities of a prison or jail permit, in compliance with provisions of this Law.

(2) Inmates shall be encouraged to work in order to keep and acquire expert knowledge and experience, in order to acquire training and in order to satisfy their physical and mental needs. On basis of medical opinion and of the individual execution program of sentence, inmate who agreed to work shall be assigned to work usual working hours.

(3) Organization of work and methods of work must be as similar to organization and methods of work in freedom as possible.

(4) An inmate may be employed on assignments in prison or jail or with another employer, outside prison or jail.

(5) An inmate shall be assigned to working position in prison or jail on basis of employment contract and in compliance with the Rules Regulating Manufacturing and Services, Systematization of Working Positions of Inmates, and Compensation for Work and Awards, enacted by the Minister of Justice.

(6) Employment of inmates on public service positions specified by the prison or jail Rules of Internal Order shall not be permitted.

(7) Inmates shall be insured from risks of occupational injuries and occupational diseases.

(8) Financial gain from inmate labor must not be detrimental to the purpose of the execution of prison sentence.

Employment with another employer and self-employment

Article 81

(1) Subject to his or her consent, an inmate may work outside prison or jail with another employer on basis of contract signed by the prison or jail and the employer and approved by the Ministry of Justice. The contract shall regulate the mutual rights and obligations.

(2) Subject to employer's consent, an inmate may be permitted to continue to work with that employer, if inmate was sentenced to less than six months of prison and if no protective measure of prohibition of performance of a profession, activity or duty was imposed.

(3) A self-employed inmate engaged in economic or other activities who was sentenced to less than six months of prison may be permitted to continue his or her activity during the execution of prison sentence in the prison or jail or outside the prison or jail. While serving prison sentence the inmate shall bear the costs of accommodation and of carrying out of the activity in that prison or jail.

(4) Requests specified in Paragraphs 2 and 3 of this Article shall be decided before sending to the execution of prison sentence by the executing judge having jurisdiction for sending, and during the execution of prison sentence by the executing judge having territorial jurisdiction over the place where the sentence is being executed.

(5) The Minister of Justice shall enact more detailed regulations concerning methods of the execution of prison sentence subject to the requirements specified in this Article.

Working hours

Article 82

(1) Working hours of inmates shall be determined pursuant to general regulations.

(2) Working extra hours shall not be permitted in prison or jail where all inmates who are willing to work and have capacity to work can not be employed.

Recesses

Article 83

(1) Recess during work as well as daily and weekly recesses shall be determined pursuant to general regulations.

(2) Annual recess can last between eighteen and thirty working days, depending on the length of employment during the execution of sentence, conditions of work and complexity of the job. This subject matter shall be regulated by the Rules mentioned in Article 80, Paragraph 5 of this Law.

Compensation for work and awards

Article 84

(1) Compensation for work of inmates in prison or jail shall be calculated as calculation base multiplied by working position multiplier applicable to the position

on which an inmate works. The base for calculation of compensation for work shall be 20% of the gross base for calculation of salaries of public servants and employees. Multipliers applicable to working positions of inmates shall be set by the Rules mentioned in Article 80, Paragraph 5 of this Law.

(2) An inmate who is not insured on any other basis may pay pension and disability insurance contributions in amount not lower than applicable to gross base for calculation of salaries of public servants and employees.

(3) Compensation for work shall be exempted from taxation and payment of contributions.

(4) Inmates who perform outstandingly can be awarded in compliance with the Rules mentioned in Article 80, Paragraph 5 of this Law.

(5) Compensation for work of inmates employed with private employers shall be determined pursuant to general bylaws of the employer. Amount determined in this way shall be paid to the account of the Ministry of Justice. 25% of this amount shall be transferred to the inmate concerned as compensation for his or her work and this amount must not be lower than amount of compensation for work specified in Paragraph 1 of this Article.

Using compensation for work and mandatory savings

Article 85

(1) 30% of compensation for inmate's work shall be allocated to a savings account as mandatory savings and deposited with a bank or savings union. The remainder of compensation shall be at free disposal of the inmate in compliance with the Rules of Internal Order.

(2) Upon an inmate's request, warden can permit the amount specified in Paragraph 1 of this Article to be used in compliance with provisions of this Law.

Financial assistance

Article 86

Inmates with no income over sixty-five years of age or suffering permanent incapacity to work, as well as unemployed inmates who are not responsible for their unemployment and are unemployed more than three consecutive months shall be granted financial assistance from the State Budget. The assistance shall amount to 20% of calculation base multiplied by multiplier "1" and shall be paid during three months.

Violations of obligations from employment contract

Article 87

(1) The following shall be deemed violations of obligations from employment contract: being late for work, unjustified absence from work, abandoning work, deliberate causing reduced capacity to work, deliberate obstruction of working equipment, non compliance with organization and methods of work.

(2) In case specified in Paragraph 1 of this Article, an inmate may have his or her compensation reduced in the amount proportionate to unjustified absence from work, may be transferred to another job, or his or her employment contract may be terminated.

(3) Decision on reductions, transfers and termination of contract shall be made by employer. The employer shall inform prison or jail about it in writing.

Inventions and technical improvements

Article 88

Inmates shall be entitled to rights stemming from inventions and technical improvements made while serving the prison sentence in compliance with general regulations.

Compensation during training

Article 89

Inmates who perform their obligations regularly shall be entitled to compensation in the amount of 25% of the base specified in Article 84, Paragraph 1 of this Law multiplied by multiplier "1". The compensation shall be paid from the State Budget.

Employment certificate

Article 90

Upon inmates' request, prisons or jails shall issue employment certificates to inmates which shall include the information about the job performed by and the length of employment of an inmate during the execution of sentence.

TRAINING OF INMATES

CHAPTER XIII

Organizing training

Article 91

(1) Prison or jail shall organize elementary education and professional training and acquisition of new working skills for inmates, in accordance with its capacity.

(2) Training shall be organized either in prison or jail or outside prison or jail in compliance with general regulations.

(3) The Minister of Justice, subject to the consent obtained from the Minister of Education and Sport shall pass Regulation on Elementary Education and Professional Training of Inmates.

Literacy program and primary education

Article 92

(1) Prison or jail shall organize elementary education for persons under 21 years of age, if they have not completed primary education.

(2) Literacy program for illiterate inmates shall be organized regardless of their age.

Type of training

Article 93

(1) Type of training shall be determined by execution program and shall depend on the abilities and preferences of inmates, the length of prison sentence and on other circumstances relevant for the achievement of purpose of the execution of sentence and possibilities of prison or jail.

(2) Following a completed training or a part thereof, inmates shall receive a diploma which must not indicate that he or she was educated in prison or jail.

(3) An inmate may be permitted to enroll into a secondary or university education at his or her expense if the educational program can be performed in accordance with the needs of security.

CHAPTER XIV

EXERCISE OF RELIGION AND RELIGIOUS SERVICE

Fulfillment of Religious Needs

Article 94

(1) Inmates shall have the right to exercise their religion, to use their own religious literature and things for religious use. Religious things can be seized in case of abuse.

(2) Inmates shall have the right to contact a priest from his or her religious community.

Religious service

Article 95

(1) If a larger number of inmates serving their prison sentence in the same prison or jail belong to the same religion, their priest shall be granted appropriate space and time for the purpose of religious service at least once in a week.

(2) Warden may temporarily deny an inmate the right to attend religious service if it is necessary for the reasons of maintenance of security and order, and shall inform priest about it.

CHAPTER XV
ORGANIZATION OF INMATES' FREE TIME

Use of free time

Article 96

(1) Prison or jail shall provide for room and equipment for meaningful use of free time.

(2) Prison or jail shall organize various kinds of activities in order to meet physical, spiritual and cultural needs of inmates.

(3) Free time of inmates shall be used in workshops organized for painting, technical activities, music, literature, theater, journalism, computers, debate clubs, exercising etc.

(4) The content of organized free time shall be determined in the execution program.

(5) In accordance with possibilities of a prison or a jail an inmate shall be permitted to organize free time himself or herself (his or her hobby) at his or her own expense, if it does not violate security and order and does not disturb other inmates.

(6) For the purpose of an organized participation in the proposing of the manner of use of free time through different activities aimed at the satisfying of physical, spiritual and cultural needs, inmates' commissions may be organized.

(7) The number, composition, election and the work of the inmates' commissions shall be regulated in the Rules on Internal Order.

Library

Article 97

(1) Prison or jail shall have a library containing sufficient number of books covering various topics.

(2) Prison or jail which does not have a library shall organize library loan with the local library.

Purchase of books, newspapers and periodicals

Article 98

Inmates may purchase books, newspapers and periodicals at their own expense. In high security prisons and jails books, newspapers and periodicals shall be purchased through the prison or jail.

Exercise

Article 99

Prison or jail shall provide the conditions for exercise, sports and recreation of inmates in compliance with its capacity.

Performances

Article 100

Prison or jail shall organize various occasional sport and recreational competitions, lectures and artistic performances for inmates at least once in three months.

Radio and television

Article 101

(1) Prison or jail shall organize viewing of radio and television program in compliance with the Rules of Internal Order.

(2) Warden can deny an inmate to attend organized viewing of television program if it is necessary for reasons of maintenance of order and security.

Things and results of work created in free time

Article 102

(1) A thing or another result of work created in free time shall be inmate's property upon the compensation of the costs of the making thereof. Such results of work may become ownership of the prison or jail only subject to consent of the inmate and upon the payment of the compensation for his or her work.

(2) Prison or jail shall organize exhibitions and sales of things created in free time once in a year, subject to consent of the inmate - author.

(3) More detailed regulations concerning evaluation, exhibition, storage and sales of things created in free time shall be enacted by the Minister of Justice.

CHAPTER XVI

MEDICAL SERVICE AND TREATMENT OF PATIENTS

Protection of health

Article 103

(1) Inmates shall be granted medical treatment and regular care for their physical and mental health.

(2) Inmates shall have the obligation to take necessary measures for the purpose of protection of health and hygiene and to follow doctor's orders concerning medical treatment and prevention of infective diseases.

(3) Infirmaries in prisons or jails must be equipped in compliance with health regulations and must keep the necessary supply of medications.

Mandatory medical examination

Article 104

(1) During the reception of inmates to the execution of prison sentence, as well as before their release, a medical examination shall be mandatory. Information concerning state of health shall be entered into medical record and personal file.

(2) Medical doctor shall have an obligation to examine an inmate who is sick or injured, who appears or behaves like physical or mentally ill person, and shall take all necessary steps to prevent the illness, to treat it or to prevent its progress.

(3) In case specified in Paragraph 2 of this Article, execution program shall be modified in compliance with inmate's health condition subject to proposal and recommendation of medical doctor.

Prosthetic and other devices

Article 105

A need to purchase a prosthetic device such as glasses, hearing device or any other shall be determined on basis of proposal of a doctor working in a prison or jail in compliance with general health regulations. Inmate's financial situation and the length of his or her sentence shall be taken in consideration when deciding on the costs.

Accommodation for purpose of medical treatment

Article 106

(1) Transfers of inmates to infirmaries within prisons or jails for the purpose of their medical treatment shall be decided by medical doctors.

(2) In the case of a serious or lengthy illnesses which can not be adequately treated in prison or jail, inmates shall be transferred to the prison or jail where conditions for such treatment exist, or to the prison hospital, subject to a proposal given by a medical doctor. During the medical treatment in the prison hospital, the execution program determined in prison or jail from which the inmate was sent to hospital shall be applied.

(3) When danger of threat to life of an inmate due to a long transportation to the prison or jail mentioned in Paragraph 2 of this Article exists, as well as when it is not possible to provide for the necessary specialist medical treatment, inmate shall be directed to a medical institution subject to a proposal made by y medical doctor. Decision on such transfer shall be made by the Ministry of Justice. In case of urgency warden shall decide about it and inform the Ministry of Justice.

(4) The time spent in a medical institution for the purpose of medical treatment shall be calculated as a part of prison sentence.

Specialist examination Article 107

(1) Inmates shall be entitled to ask for a specialist medical examination if such an examination was not ordered by medical doctor working in prison or jail.

(2) If a medical specialist finds out that specialist examination was not necessary, the costs of the examination shall be born by the inmate.

(3) The permission for the examination and the location thereof shall be approved and its venue determined by warden, depending on security considerations.

Dental care Article 108

(1) Inmates shall have their teeth treated and repaired.

(2) Dental prosthetics shall be available subject to general medical regulations. As a rule, expenses shall be born by inmate. If an inmate can not afford dental prosthetics and, according to the opinion of medical doctor working in the prison or jail, a failure to apply dental prosthetics would be detrimental to his or her health, the costs can be borne by the State Budget.

Medical experiments and treatment Article 109

(1) Inmates must not be subject to any medical or other experiment, not even when they agree to it.

(2) Medical treatment shall not be applied without consent of inmates, not even when medical indications exist, save in instances envisaged by general health regulations.

Procedure in case of refusal of food
Article 110

(1) Inmate who persists in refusing food shall be under permanent medical supervision. Inmate shall be warned that such behavior jeopardizes his or her health and life. Forced feeding shall not be permissible and medical intervention shall be applied in compliance with general medical regulations.

Protection of maternity
Article 111

(1) Pregnant women and mothers who have delivered a child during the execution of prison sentence shall be ensured a complete medical protection related to pregnancy, childbirth and maternity.

(2) Pregnant women shall be accommodated in the Maternity Ward six weeks before due date, and can be accommodated even before subject to doctor's proposal. After that she will be sent to the Mother and Child Ward, in which she shall stay, as a rule, until child's third birthday.

(3) If pregnant women serves a prison sentence in prison or jail where no Maternity Ward exists, she shall be transferred to a prison or jail where such Ward exists or, subject to doctor's proposal, to the nearest medical institution.

(4) Delivery by a pregnant inmate shall be carried out in a specialized health care institution.

(5) A child shall remain with the mother upon her request and on the basis of the decision of a social welfare center until his or her third birthday, following which the social care center shall undertake the necessary measures for the accommodation of the child. The equipment as well as the professional care and health care for the child shall be provided by prisons and jails. The supervision of the exercise of the parental right shall be carried out by the Ministry of Labor and Social Care. Authorized persons of the social care centers shall have to visit the prison or jail once in three months, and even more frequently if necessary, for the purpose of supervision of mother, and they shall have to undertake the appropriate measures if necessary.

(6) Pregnant inmates as well as the mother and the child shall have the right to weekly visits by the members of their families.

(7) The tasks which a pregnant inmate or an inmate which has just delivered a child, or an inmate whose is staying with her until child's third birthday, shall be determined by a medical doctor.

(8) During the stay of a child with his or her mother in a prison or jail, the prison or jail shall ensure that the child attends a pre-school institution outside of the prison or jail.

Procedure mentally ill inmates

Article 112

(1) On the basis of a reasoned opinion issued by expert team of a prison or jail hospital, executing judge may direct an inmate who gets mentally ill or displays severe mental difficulties while serving prison sentence to a psychiatric institution pursuant to Articles 22 to 38 of the Law on Protection of Persons Suffering Mental Difficulties (Narodne novine No. 111/97). Escort to mental institution shall be performed by members of the supervision sector or department.

(2) Costs of accommodation and treatment of mentally ill persons shall be borne by the Ministry of Health from the State Budget.

(3) Medical treatment in health institution can last no longer than until end of the prison sentence.

(4) If medical treatment is completed prior to the completion of the prison sentence executing judge shall decide on the continuance of the execution of sentence. The time spent at medical treatment shall be calculated as a part of sentence.

Notice of illness

Article 113

Prison or jail shall inform person designated by an inmate or inmate's family members about inmate's more serious illness.

Procedure in case of death

Article 114

(1) In case of inmate's death prison or jail shall most urgently inform inmate's family, the court that sent the inmate to prison, the court that delivered the first instance decision, the executing judge and the registrar within the territorial jurisdiction of which prison or jail is located.

(2) Remains of the deceased shall be transferred to family for funeral. The costs of the funeral shall be born by the family.

(3) If family refuses to receive the remains or if the deceased did not have family, he or she shall be buried at the local cemetery at the expense of the social care

center of the place in which the prison or jail is located. The social care center may reimburse burial costs from the property of the deceased.

Costs of medical treatment outside of prisons or jails
Article 115

Inmates shall have the right to medical care while being outside prison or jail during periods which are calculated as prison sentence and the costs thereof shall be born by the prison or jail.

Procedure with medical documentation
Article 116

While serving sentence and upon release inmates shall be entitled to receive certificate of health and the course of medical treatment, upon their request.

CHAPTER XVII
CONTACTS WITH THE WORLD OUTSIDE OF PRISONS AND JAILS

Visits to inmates
Article 117

(1) Inmates shall have the right to receive visits by family members two times a week and on holidays for at least one hour.

(2) Minor children may visit inmates their parents every week and on holidays. Minor children under 14 years of age shall visit inmates in the company of an adult from Paragraph 1 of this Article or of a custodian.

(3) Prison or jail shall, as much as they are able to, arrange special premises for visits of children specified in Paragraph 2 of this Article.

(4) Inmates shall have the right to receive visit of their legal representatives. In the case of the abuse of this right, the warden may deny this right and inform inmates thereof.

(5) The number of visitors may be restricted to the number which guarantees their security.

(6) Visits may be interrupted if visitors or inmates, after having been warned, repeatedly violate the provisions of this Law or of other regulations enacted in pursuance thereof.

(7) Visitors who are attorneys, state's attorneys or public notaries may hand over to inmates files or documents related to their cases.

(8) Visitors must identify themselves.

(9) Prisons or jails shall keep record of visitors. The record shall contain personal data about the visitor and the date of the visit.

Denial of visits Article 118

(1) The warden may deny visits for reasons of security.

(2) In the case of abuse the warden may deny a visit by an attorney who represents the inmate in criminal matters, and the warden shall notify the inmate thereof.

(3) The warden shall send a reasoned decision on denial of visit of persons specified in Paragraph 2 of this Article to the inmate. An inmate shall have the right to appeal to the executing judge within 24 hours. Appeal shall not postpone the execution of the decision.

Monitoring of visits Article 119

(1) Visits can be monitored for reasons of security.

(2) Attorney's visits shall not be monitored.

Search of visitors and objects Article 120

(1) Prisons or jails can perform search of visitors and objects.

(2) In case of suspicion that a person intends to bring prohibited things to prison or jail a detailed body search of visitor shall be performed.

(3) Body search of visitors shall be performed by an responsible official of the visitor's sex.

Visits to prison or jail Article 121

(1) Prisons or jails shall enable visits to the representatives or authorized officials of governmental bodies or other bodies which monitor the work of prisons and jails in accordance with this Law, general regulations and international law.

(2) Warden shall permit visits of employees of responsible state bodies for purpose of inspection and collecting information necessary for conducting criminal procedure.

(3) The Ministry of Justice may permit visits of the representatives of :

1. the institutions and associations for protection human rights of prisoners,
2. the media,
3. the institutions, associations and persons who are engaged in the study of suppression and prevention of crimes;
4. the bodies of local self-government and administration.

(5) Visitors must explain the purpose of their visit in writing.

(6) The Ministry of Justice may permit conversation with a group of inmates or with an individual inmate to the visitor specified in Paragraph 3 of this Article.

(7) The Ministry of Justice may approve taking photographs of objects within prison or jail. Employees working in such objects may be photographed only subject to their consent.

(8) Visitors shall be advised which information represent official secret and thus can be published only subject to permission of the Ministry of Justice.

(9) Release of information which is considered official and professional secret referring to an individual criminal case or to an individual shall be denied in compliance with the Law on Protection of Confidentiality of Information.

(10) Visits by the persons specified in Paragraph 3 of this Article may be postponed or denied for security reasons.

Protection of privacy Article 122

(1) The warden shall introduce visitors specified in Article 121, Paragraph 3 of this Law to employees and inmates and explain them reasons of their visit.

(2) An inmate may refuse to meet a visitor, to be photographed or recorded.

Visits of consular and diplomatic representatives Article 123

Consular and diplomatic representatives of foreign states may visit inmates - citizens of their country subject to reciprocity.

Correspondence Article 124

(1) Inmates shall have the right to unrestricted correspondence.

(2) In jail, high security prison or high security ward of a prison, the content of the correspondence shall be monitored.

(3) Wardens of high security prisons or jails may deny exchange of letters for security reasons. They shall notify inmates about such decision. A copy of the letter including reasoned decision shall be forwarded to the executing judge, and the letter shall be filed with the personal file. Inmates shall be entitled to appeal from warden's decision to the executing judge.

(4) Inmates shall have the right to write letters to their attorneys and to state authorities without restriction or supervision.

(5) Inmates shall have the right to unrestricted correspondence through the Ministry of Justice with international organizations for the protection of human rights to which the Republic of Croatia is a member.

(6) In the case of suspicion that prohibited things are either sent or received by mail, letters directed to an inmate or sent by an inmate shall be opened in his or her presence. In the case that it contains prohibited substances or things steps envisaged by Article 60, Paragraph 3 of this Law shall be taken.

(7) Inmates may receive and send cable mail in compliance with provisions of this Article.

Telephone conversations Article 125

(1) Inmates shall be enabled to make telephone conversations in compliance with the Rules of Internal Order.

(2) Telephone conversations may be monitored for the purpose of security. Monitoring of telephone conversations may be ordered by warden or by person authorized by warden.

(3) The costs of telephone calls shall be, as a rule, borne by inmates.

Packages Article 126

(1) Inmates shall have the right to receive packages containing food and other permissible things once in a month and on holidays.

(2) Person sending a package shall attach an itemized list of contents.

(3) Package shall be opened and examined by the responsible official in the presence of the inmate.

(4) Impermissible, rotten or dangerous contents of packages shall be dealt with in compliance with Article 60, Paragraph 3 of this Law.

(5) The warden can temporarily deny the receipt of packages for the reasons of health and security. In such a case warden shall notify inmates thereof and forward a reasoned decision to the executing judge.

(6) In cases specified in Paragraphs 4 and 5 of this Article, inmates shall have right to appeal to the executing judge .

Money and securities Article 127

(1) Inmates shall have the right to receive and send money via prison or jail.

(2) Money which is at free disposal of inmates may be kept by inmates or be deposited, in compliance with the Rules of Internal Order.

(3) Record of financial transactions to and from the deposit shall be kept. Inmates shall be informed about amount of deposited money at least once a month. Upon inmate's request, part of his or her money shall be deposited with a bank or savings union.

(4) The warden may permit an inmate to withdraw money deposited on mandatory savings account when using benefit of leave.

(5) Foreign currency shall be deposited to savings account or transferred to person designated by the inmate. Inmate shall receive a receipt in witness thereof.

(6) Securities shall be deposited to the deposit of valuables or transferred to person designated by the inmate. Inmate shall receive a receipt in witness thereof.

(7) More detailed regulations on financial operations shall be enacted by the Minister of Justice.

CHAPTER XVIII **BENEFITS**

The content and the types of benefits Article 128

(1) Benefits are a set of encouraging measures aimed at trusting inmates, easing prison discipline, reduction of detrimental effects of custody, at maintenance and promotion of relations with family, other persons and public services, as well as at encouraging individual participation in implementation of execution program, at strengthening of responsibility and self-confidence and at preparing inmates for life in compliance with legal order and for fulfillment of civic duties.

(2) Benefits can be regular or exceptional.

(3) Regular benefits shall comprise the following:

1. easing conditions within prison or jail,
2. reducing restrictions for movement within prison or jail,
3. more frequent contacts with the world outside of the prison or jail,
4. transfer to prison or jail with more lenient conditions of the execution of sentence in compliance with Article 153 of this Law.

(4) Exceptional benefits shall be extra leaves from prison or jail.

Regular benefits
Article 129

(1) Benefits easing conditions within prison or jail shall be the following:

1. use of private television set,
2. individual preparation of food and beverages,
3. arrangement of living environment with personal things,
4. more frequent receiving packages and an enhanced permissible weight of packages,
5. free use of certain amount of money deposited within prison or jail,
6. awards consisting of money or things.

(2) Benefits reducing restrictions of movement within prison or jail shall be the following:

1. unlocking of the room where inmate is accommodated,
2. extended stay in common premises (reading room, library, common room, classrooms, gymnasium, sport courts, dining room, and other spaces and premises envisaged for free time activities),
3. extended stay in open air.

(3) Benefits enabling more frequent contacts with the world outside of prisons and jails shall be the following:

1. more frequent and longer visits of family members and third persons, either supervised or not supervised, within prison or jail,
2. private telephone conversations,
3. stay with a spouse or a common law spouse in a separate room without supervision,
4. annual leave or part of annual leave in medium security or low security wards of prisons or jails, or outside prisons or jails,
5. leave from high security prison or jail under supervision for purpose of visiting family or pursuing private business up to four hours plus time necessary for travel,
6. going out to local community with visitors in length between two and twenty-four hours,
7. going out to local community without visitors in length between two and eight hours.
8. going out to visit family members or other persons at free time, not more than two times in a month in total duration of four days (96 hours), and in month of Eastern, Christmas and Statehood Day - in duration of up to six days (144 hours),
9. transfer to a ward with more lenient conditions of serving sentence within the same prison or jail,

(4) Decision on approval and denial of benefits shall be entered to the personal file.

(5) An arrest warrant shall be issued if an inmate does not return from benefit of leave without justified reason within 24 hours following the time of scheduled return.

Exceptional benefits of leave Article 130

(1) Warden may approve an exceptional leave to an inmate for purpose of:

1. going to a funeral;
2. visiting seriously ill family member;
2. going to court or public administration to attend judicial or administrative proceedings in order to pursue his or her legal interests,

(2) Exceptional leaves specified in Paragraph 2 of this Article may be approved for one occasion, without supervision and up to three days not including time necessary for travel.

(3) For purpose of dealing with an inevitable and important affair, an inmate may be permitted to use an exceptional benefit of leave from prison or jail in length not exceeding three days plus the time needed for travel, at his or her own expense, either under supervision or without supervision.

(4) Inmate shall attach documents related to reasons for applying for a leave, to his or her application for an exceptional leave.

(5) An arrest warrant shall be issued if an inmate does not return from benefit of leave without justified reason within 24 hours following the time of scheduled return.

Conditions for approval of benefits of leave Article 131

(1) Benefit of leave from high security prison or jail may be granted to an inmate after he or she served one third of the final sentence not exceeding ten years of prison.

(2) Benefit of leave from high security prison or jail may be granted to an inmate after he or she served one half of the final sentence of ten years or more.

(3) When deciding on whether to grant a benefit of leave or not, opinion of appropriate state authorities and other persons may be asked for.

(4) Opinion mentioned in Paragraph 3 of this Article shall be asked for if the inmate concerned was sentenced for or has a criminal record of serious crimes from Article 181, Point 1 and 2 of the Law on Criminal Procedure.

(5) Before granting a benefit of leave to an inmate serving sentence of ten years of prison or more, in addition to an opinion mentioned in Paragraphs 3 and 4 of this Article, an opinion of the Ministry of Justice shall be asked for.

(6) Benefit of leave can not be exercised outside territory of the Republic of Croatia.

Deciding on benefits Article 132

(1) Warden shall decide whether to grant a benefit, on basis of assessment of execution program, by enacting a decision.

(2) When deciding whether to grant a benefit warden shall have principle of individual the execution of sentence in mind.

(3) Warden decides whether it is necessary to provide for supervision or compensation of costs and whether inmate has to register with police in place where he or she plans to exercise the benefit, as well as whether the inmate fulfilled his or her obligations determined by execution program.

(4) Reporting to police administration in place where the benefit is planned to be exercised shall be compulsory for inmates specified in Article 131, Paragraph 4 of this Law.

(5) More detailed regulations concerning benefits of inmates shall be enacted by the Minister of Justice.

CHAPTER XIX **ORDER AND SECURITY**

Behavior of inmates Article 133

(1) During the execution of sentence inmates must behave in compliance with this Law and with regulations enacted in pursuance of this Law, and must comply with orders of persons responsible to take part in procedure of the execution of prison sentence, save where compliance with an order would amount to a criminal act or violation of this Law and regulations enacted in pursuance of this Law.

(2) The organization of life and work in prison or jail shall be regulated by the Rules of Internal Order and by daily time-table which is to be enacted by warden subject to consent of the Minister of Justice.

Search and body search Article 134

(1) Inmates and their property can be searched at any time.

(2) Inmates may be searched only by authorized officials of their sex.

(3) Body search including strip-search shall be performed by at least two authorized officials in a closed room without presence of any other person.

(4) Search of cavities can be performed by medical doctor only.

Special measures for maintenance of order and security

Article 135

(1) Special measures for maintenance of order and security can be implemented as a last resort in respect of inmates who are likely to get away, to be violent to persons or things, to commit suicide or self-wounding, or to jeopardize security or order.

(2) Special measures for maintenance of order and security shall be the following:

1. enhanced supervision,
2. seizure and temporary withholding of objects which are otherwise permitted,
3. isolation from other inmates,
4. accommodation in a specially secured room, free of dangerous objects,
5. accommodation in an intensive supervision ward,
6. restraining hands with handcuffs, and legs - if necessary,
7. solitary confinement,
8. mandatory test on drugs and infective diseases.

(3) More than one measure can be ordered at the same time in respect of the same inmate.

The execution of special security measures Article 136

(1) Special security measures short of the measure specified in Article 135, Paragraph 2, point 7 of this Law shall be ordered by warden. In case of urgency measures can be ordered by another official responsible by warden in advance. However, measure specified in Article 135, Paragraph 2, point 5 can be ordered only by warden.

(2) Public servant who orders security measure shall immediately inform warden about it. The warden can either affirm or set aside the measure.

(3) Warden shall inform the executing judge about taking measures specified in Article 135, Paragraph 2, points 3,4, 5 and 6 of this Law in writing, within 48 hours.

(4) The execution of measures shall be terminated if reasons for their taking cease to exist.

(5) Measures specified in Article 135, Paragraph 2 points 4, 5, 6, 7 and 8 shall be performed under supervision of medical doctor.

(6) Enhanced supervision includes more frequent monitoring of an inmate, during day and night, and shall be performed in way which does not disturb inmate's regular activities.

(7) Seizure and temporary withholding of things that are otherwise permissible shall be performed on temporary basis, as long as reasons specified in Article 135, Paragraph 1 of this Law exist.

(8) Isolation from other inmates shall be performed by putting inmate in a special room for a period not exceeding 21 days. During the execution of this measure the inmate shall participate in all activities established in execution program which can be carried out in the premise in which the inmate is accommodated.

(9) Accommodation in a specially secured room, free of dangerous objects must not exceed 48 hours at a time. Warden shall ask for doctor's permission at least six hours prior to its commencement. During application of this measure inmate shall be granted unrestricted satisfaction of physiological needs. This measure has to be accompanied by measure specified in Article 135, Paragraph 2, point 1 of this Law. Doctor's supervision at least once in 24 hours shall be mandatory.

Accommodation in an intensive supervision Paragraph Article 137

(1) Accommodation in an intensive supervision ward may be ordered only in high security prisons or jails.

(2) Warden shall forward the decision on this measure within three days to the Minister of Justice and to the executing judge .

(3) An inmate may file an appeal from the decision specified in Paragraph 1 of *****this Article with the executing judge within three days following receipt. Appeal shall not postpone the execution of the measure.

(4) During the execution of this measure inmate shall participate to all activities determined by the execution program which are organized in the Paragraph.

(5) The measure has to be reconsidered every three months and in case it is repeated an appeal can be filed with the executing judge in pursuant to Paragraph 3 of this Article.

Restraint Article 138

(1) Restraint by handcuffs must not be applied as punishment but exclusively as a measure for restriction of movement.

(2) Restraint by handcuffs must not exceed 12 consecutive hours within 24 hours.

Solitary confinement Article 139

(1) Solitary confinement not exceeding three consecutive months can be ordered in respect of inmate whose behavior seriously jeopardizes security. This measure can be applied not more then two times in a calendar year.

(2) Solitary confinement shall prevent an inmate to contact other inmates by separating him or her from the collective the execution of prison sentence and from collective activities.

(3) Solitary confinement shall be ordered by the executing judge subject to warden's proposal and to prior opinion of medical doctor, within fifteen days following receipt of the proposal. Warden shall inform the Ministry of Justice about the proposal.

(4) Solitary confinement shall be executed under permanent supervision of medical doctor who shall have an obligation to examine the inmate at least once in a week.

(5) When executing solitary confinement inmate may be permitted to work in premises where the measure is being executed.

(6) During solitary confinement an inmate may use permissible personal things, read daily press and books, exchange mail and listen to radio.

(7) Room in which solitary confinement is executed has to be equipped and has to meet requirements of the room specified in Article 147, Paragraph 4 of this Law.

(8) Commencement and the execution of solitary confinement can be discontinued if, according to opinion of medical doctor, requirements are not met. executing judge shall be informed about such situation without delay. The executing judge shall decide whether solitary confinement shall be discontinued or not.

Mandatory test on drugs and infective diseases

Article 140

(1) Test of inmates on drugs and infective diseases by taking blood or urine samples in compliance with medical standards, as well as use of tests for detection of presence of drugs or infective diseases is permissible.

(2) For purpose of the execution of this measure use of measure specified in Article 135, Paragraph 2, point 6 of this Law shall be permissible.

CHAPTER TWENTY

Coercion

Article 141

(1) Means of coercion may be applied only when it is necessary to prevent a break-out of an inmate, a physical assault on official or other persons, infliction of injuries to other persons, self-injuring, deliberate causing of material damage, or with the purpose of overcoming passive or active resistance of inmates.

(2) Coercion may be also applied against the persons freeing the inmates, attacking the inmates, unlawfully entering the facility or the premises of the prison or jail or if they find themselves within the facility or premises of the prison or jail in an unauthorized manner. These persons shall be detained until the arrival of authorized persons of the Ministry of the Interior.

(3) An active resistance shall exist if the inmate does not act under the judicial order of the authorized official, endangering himself or herself, other persons or the property of considerable value.

(4) A passive resistance shall exist when the inmate does not act under the judicial order of the authorized official, but not endangering himself or herself, other persons or the property of considerable value.

Means of Coercion

Article 142

(1) Means of coercion are:

- 1) acts of bringing in and defense,
- 2) a rubber nightstick,
- 3) gushes with water,
- 4) irritable chemicals,
- 5) fire-arms.

(2) Among the means of coercion that one shall be selected which shall endanger the health and the life of an individual at the least, with which the resistance shall be successfully overcome, and it shall be proportional to the threatening danger.

(3) The persons for whom the means is intended to be applied shall be orally and clearly warned, unless a simultaneous or directly approaching unlawful attack is in question.

(4) For the overcoming of a passive resistance the authorized official may apply the acts of bringing in only.

(5) The means of coercion from Paragraphs 1, 2, 3, 4 and 5 Paragraph 1 of this Article may be applied in the events from Article 141 Paragraphs 1, 2 and 3 of this Law.

(6) The application of the means of coercion from Points 3 and 4 Paragraph 1 of this Article may be ordered solely by the warden.

(7) The means of coercion from Point 5 Paragraph 1 of this Article may be exceptionally applied by an authorized official at his or her own discretion in the event from Article 143 Paragraph 1 Points 1 and 2 of this Law.

- (8) Upon the application of the means of coercion a medical examination of the inmate shall be obligatory, which shall be repeated twelve hours later.
- (9) The warden shall advise in writing the Ministry of Justice and the executing judge of the application of the means of coercion from Points 2, 3, 4 and 5 Paragraph 1 of this Article within twenty-four hours at the latest.
- (10) Detailed regulations on the manner of the application of the means of coercion shall be passed by the Minister of Justice.

Fire-arms

Article 143

- (1) Fire-arms may be applied only:
- 1) if a simultaneous or a directly approaching unlawful attack endangering the life of an inmate, employee or other persons finding themselves in the prison or jail cannot be repelled,
 - 2) for the purpose of rendering impossible the break-out of an inmate from the high-security prison or jail while getting over the outer wall, and the break-out cannot be prevented with any other means,
 - 3) for the purpose of rendering impossible the break-out of an inmate on the occasion of escorting if the break-out cannot be rendered impossible by other means and if an inmate serving a five year or a more severe sentence is in question, or if a detainee is in question against whom criminal proceedings are under way on account of a criminal act for which a ten-year or a more severe jail sentence is prescribed.
- (2) The member of the supervision sector or department shall warn the inmate of the application of fire-arms from Point 2 Paragraph 1 of this Article, upon which he shall fire a warning shot, and thereafter he shall apply the fire-arms endeavoring not to injure the vital organs of the inmate.
- (3) The member of the supervision sector or department shall not apply fire-arms if the life of another person is endangered thereby.

Acting on the occasion of a break-out

Article 144

- (1) The authorized official shall immediately undertake the actions to prevent the directly runaway inmate from the break-out.
- (2) The authorized person shall forthwith notify the warden of each escape attempt or the break-out, and the warden the Ministry of Justice and the executing judge.
- (3) The warden shall immediately notify the police administration depending on the seat of the prison or jail of the break-out of the inmate with the purpose of undertaking the measures of searching, issuing an arrest warrant and determining the facts in respect of the break-out.
- (4) Any moving away from the prison or jail lasting longer than twenty-four hours shall be considered a break-out.
- (5) The execution of the prison sentence shall not run during the break-out.

CHAPTER TWENTY-ONE

DISCIPLINARY OFFENCES, MEASURE AND PROCEDURE

Article 145

- (1) Disciplinary offences shall be more or less serious violations of order, security and other rules of behavior of the inmates during the serving of a prison sentence as prescribed by this Law and the regulations passed on the basis of this Law.
- (2) Less serious disciplinary offences are:
 - 1) endangering of one's own health by self-injuring or in any other manner,
 - 2) possession or taking of medicines without any special approval,
 - 3) possession or using of an unpermitted thing, including money as well,

- 4) giving to another person for use a thing for which he or she only has permission,
 - 5) illicit use of somebody else's thing,
 - 6) stay in the area in which he or she should not find himself or herself under the daily schedule,
 - 7) disturbance of peace (shouting, listening to the radio and television at too high a volume, banging, throwing things, etc.),
 - 8) insulting or improper behavior,
 - 9) unauthorized contact with another person,
 - 10) encouraging other inmate to the behavior which is a less severe disciplinary offence,
 - 11) behavior which is a punishable action,
 - 12) refusing the execution of a lawful order of an authorized official ,
 - 13) unjustified coming late from the benefit of outing,
 - 14) deliberate dirtying of the premises of the prison or jail.
- (3) More serious disciplinary offences are:
- 1) taking part in a riot,
 - 2) a break-out or an escape attempt from the prison or jail or in the course of escorting,
 - 3) unauthorized leaving of the prison or jail,
 - 4) violent behavior,
 - 5) keeping any person whatsoever without his or her will,
 - 6) possession or use of a dangerous thing,
 - 7) preventing access to any part of the prison or jail to an official or other person finding himself or herself in the prison or jail with permission,
 - 8) a physical assault on any person whatsoever,
 - 9) deliberate endangering of somebody else's health or endangering by gross negligence,
 - 10) preventing from the performance of tasks an authorized official or any other person whatsoever that is involved in the implementation of the program of execution,
 - 11) possession or taking of any narcotic or psycho-active substance whatsoever,

- 12) refusing tests for narcotic or psycho-active substances and contagious diseases,
 - 13) deliberate burning of things or causing fire,
 - 14) damaging or destruction of means of work,
 - 15) gross negligence of personal hygiene,
 - 16) engaging in hazardous games,
 - 17) deliberate endangering of one's own health with the purpose of incapacitation for the performance of obligations,
 - 18) deliberate destruction or damaging of somebody else's property or destruction or damaging by gross negligence,
 - 19) resistance to medical examination or the measures for the prevention of the danger of a contagion,
 - 20) encouraging another inmate to the behavior which is a more severe disciplinary offence,
 - 21) refusing to execute judicial orders of an authorized official due to which adverse consequences have occurred or might occur,
 - 22) deliberate considerable dirtying of the premises of the prison or jail,
 - 23) neglecting the obligations at work which has or might have caused a major adverse consequence,
 - 24) giving false information on account of which a damage of major proportions has or could have been incurred,
 - 25) teaching the manner of performance of a criminal act by transfer of personal experience or in any other manner whatsoever.
- (4) A more serious disciplinary offence is any behavior which is a criminal act for which one is prosecuted ex officio.

Disciplinary measures

Article 146

- (1) Disciplinary measures shall be pronounced for the committed disciplinary offences.
- (2) The disciplinary measures are:

- 1) a reprimand,
- 2) a restriction or a temporary denial of the right to receive packages for up to three months,
- 3) a restriction or a temporary denial to dispose of money in the prison or jail for up to three months,
- 4) a denial of individual or all benefits from Articles 129 and 130 of this Law,
- 5) sending to a solitary confinement for up to twenty-one days in free time or during the entire day and night.

(3) A material profit and a thing which an inmate acquires contrary to the provisions of this Law and the house order shall be seized. A decision shall be reached by the warden. The inmate shall have the right to a complaint against this decision to the executing judge within eight days from the receipt of the decision. The complaint shall not stay the execution of the decision.

Disciplinary measure of sending to a solitary confinement

Article 147

- (1) The disciplinary measure of sending to a solitary confinement shall consist of the exclusion of the inmate from joint activities with other inmates in free time or during the entire day and night.
- (2) The disciplinary measure of sending to a solitary confinement may be pronounced for more severe disciplinary offences only.
- (3) A medical examination shall be obligatory prior to the execution of the disciplinary measure of sending to a solitary confinement.
- (4) The room in which the disciplinary measure of sending to a solitary confinement is executed must have 4 m² and 10 m³ space at the least, it must be airy, illuminated by day and artificial light, heated in dependence of climatic conditions, furnished with a bed and bedding, a table and a chair. Unlimited access to drinking water and sanitary facilities must be ensured to the inmate.

(5) The inmate may read and write in the room where the disciplinary measure of sending to a solitary confinement is executed, and a stay in the air must be ensured to him lasting at least one hour a day without any contact with other inmates.

(6) In the course of the execution of the disciplinary measure of sending to a solitary confinement the supervision of a medical doctor shall be obligatory once in twenty-four hours at the least. The findings and observations of the medical doctor and of other authorized officials shall be entered into the book of the execution of the disciplinary measure of solitary confinement.

Procedure for the pronouncement and execution of a disciplinary measure

Article 148

(1) A motion for the initiation of a disciplinary procedure shall be submitted by the head of the organizational unit of the prison or jail on the premises of which the offence has been committed. A motion for the initiation of the procedure shall be handed to the inmate whereby the disciplinary procedure shall commence. The disciplinary procedure shall be urgent, and it shall be conducted in keeping with the provisions of the Law on Criminal Procedure regulating an abbreviated procedure if not otherwise prescribed by this Law.

(2) The conducting of the procedure on account of a minor disciplinary offence shall expire within one month from the day of the awareness of the committed offence and of the doer, and within the period of two months from the day of the committing of the offence at the latest. The conducting of the procedure on account of a major disciplinary offence shall expire within the period of three months from the day of the awareness of the committed offence and of the doer, and within the period of six months from the day of the committing of the offence at the latest.

(3) A disciplinary procedure, at the request of the head of the organizational unit or at his own discretion, shall be initiated, conducted, and a decision shall be reached by the warden or a person delegated by him.

(4) A disciplinary procedure shall be initiated within the period of three days from the awareness of the commission. In the course of the disciplinary procedure a written deposition shall be taken from the inmate, witnesses shall be interrogated,

and if necessary the opinion of the authorized official who is involved in the implementation of the program of execution shall be obtained, and an investigation shall be carried out.

(5) A protocol shall be kept in the course of the disciplinary procedure and it shall be deposited in the personal file. The protocol shall contain the proofs and the decision on the pronounced disciplinary measure.

(6) A copy of the decision on the pronounced disciplinary measure shall be handed to the inmate, on which he is entitled to file an appeal with the executing judge within the period of forty-eight hours from the receipt of the decision. The appeal shall not stay the execution of the decision. The executing judge shall rule on the appeal within the period of forty-eight hours. If the executing judge alters the decision of the warden, the warden may request within forty-eight hours for a final decision to be reached by the court panel. The request of the warden shall not stay the execution of the ruling of the executing judge. Upon the effectiveness of the ruling the disciplinary measure shall be entered into a special form of the personal file and into the disciplinary measures book.

(7) In the course of the disciplinary procedure on account of a major disciplinary offence the inmate shall be entitled to the assistance of a defense attorney, and the warden shall make him or her aware thereof on the occasion of the reaching of a decision on the initiation of the disciplinary measure. If the inmate does not ensure the presence of the defense attorney within twenty-four hours from the warning, the procedure shall be conducted without his or her presence.

(8) In the course of the disciplinary procedure the inmate may be separated from other inmates for security reasons in keeping with Articles 135 and 136 of this Law.

(9) The initiated disciplinary procedure may be renounced if it is sufficient to give only a warning to the inmate. In the event of minor disciplinary offences the inmate shall be pronounced guilty, but he may be liberated from the pronouncement of a disciplinary measure.

(10) The execution of the pronounced measure from Article 146 Paragraph 1 Paragraphs 2,3,4 and 5 of this Law may be postponed for a period of up to three months. The measure shall not be executed if the inmate does not commit another disciplinary offence within that period.

- (11) The warden may mitigate the pronounced measure or waive the execution thereof if new circumstances occur or if he considers it as more appropriate.
- (12) In the event of a disciplinary offence committed against the warden, the disciplinary procedure shall be instituted, conducted, and the measure shall be pronounced by the executing judge.
- (13) If in the course of the serving of a sentence an inmate is transferred to another prison or jail, the power for the pronouncement of a disciplinary measure shall be transferred to the warden of the prison or jail to which he or she has been transferred.
- (14) The execution of the pronounced disciplinary measure shall continue upon the transfer of the inmate to another prison or jail as well.
- (15) The execution of the pronounced disciplinary measure shall be suspended on the day of the release of the inmate from the sentence serving.
- (16) The execution of the pronounced disciplinary measure shall expire within the period of thirty days from the effectiveness, with the exception of the measure of sending into a solitary confinement, the execution of which shall expire within three months.
- (17) The manner of the execution of the pronounced disciplinary measures shall be regulated in detail by the house order.

Procedure on account of a commission of a new criminal offence in the course of the serving of a sentence

Article 149

- (1) If an inmate serving a prison sentence commits a criminal act for which he or she is prosecuted ex officio and for which a fine or a prison sentence of up to six months is prescribed, he or she shall be punished by a disciplinary measure.
- (2) If an inmate commits another criminal act for which he or she shall be prosecuted ex officio, the warden shall advise forthwith the competent state attorney thereof. The warden may order a temporary separation of the inmate from other inmates in keeping with Articles 135 and 136 of this Law until the ruling of the court.

(3) The police administration and the state attorney's office shall be obligated to advise the prison or jail of the committed criminal act during the stay of the inmate outside of the prison or jail for which he or she shall be prosecuted ex officio.

Compensation of damage

Article 150

- (1) An inmate shall be obligated to compensate the material damage which he has done by a disciplinary offence in the course of the serving of a sentence.
- (2) The amount of the damage shall be determined in the disciplinary proceedings at the proposal of the authorized person of the prison or jail.
- (3) The inmate shall have the right to file a complaint with the executing judge against the decision on the compensation of a damage within eight days from the receipt of the decision. The effective decision on the compensation of a damage shall be a document apt for execution.

CHAPTER TWENTY-TWO

TRANSFER

Transfer

Article 151

- (1) The Ministry of Justice shall decide on the transfer of an inmate on the basis of his or her request or a request of the members of his or her family to which the inmate has given his or her consent, and at the proposal of the warden.
- (2) The opinion of the prison or jail shall be delivered with the request of the inmate for a transfer.
- (3) The inmate whose remaining sentence does not exceed six months may be transferred with his or her consent from the prison into a jail for further serving of the sentence.

Proposal for a transfer

Article 152

- (1) The warden may propose transfer of an inmate for the purpose of the implementation of the program of the execution or when it is necessary because of the organization of the execution of a sentence and of security.
- (2) The warden shall propose transfer of an inmate from a minimum-security prison or a ward of the jail into a maximum-security prison or jail if a disciplinary measure of sending into a solitary confinement to last in excess of five days has been pronounced to him or her in the disciplinary procedure, or if a new criminal procedure is under way against him or her, or if he or she frequently misuses the benefits.
- (3) The expenses of transfer shall be borne by the inmate in the event of a break-out or a misuse of the benefits.
- (4) If it is necessary because of the organization of the execution of a prison sentence and of security, a decision on the transfer of an inmate to another prison or jail may be reached by the Minister of Justice without warden's proposal as well.

Transfer into milder conditions of the serving of a sentence

Article 153

The warden shall be obligated to consider a possibility of transfer of an inmate into a ward of a prison with milder conditions of the serving of a sentence after one half of the pronounced sentence has been served, and each six months thereafter.

Ruling on the transfer

Article 154

- (1) The ruling on the transfer of an inmate must be made within the period of fifteen days from the delivery of the request or a proposal and it must be explained in detail.
- (2) The inmate shall be entitled to file an appeal to the executing judge against the ruling within three days from the receipt of the ruling. The appeal shall stay the execution of the ruling.
- (3) The executing judge shall rule on the appeal within eight days.
- (4) If the request for transfer has been denied, the inmate may submit a new appeal after the expiry of six months from the submission of the previous request.

CHAPTER TWENTY-THREE

INTERRUPTION OF SERVING A SENTENCE

Reasons for the interruption of serving a prison sentence

Article 155

- (1) An interruption of serving a prison sentence (hereinafter interruption) shall mean a temporary release of the inmate from the prison or jail, for which period of time the serving of a prison sentence does not run.
- (2) The interruption may be approved for the following reasons:
 - 1) if the inmate contracts a severe acute disease or if his or her chronic disease worsens, and there are no conditions for the medical treatment in the prison or jail,
 - 2) because of the event of death, a severe illness or the obligation of absence of a member of the inmate's family, whereby he or she shall become the sole obligated supporter of minor children, a spouse or a common law spouse, a parent or an adoptive parent or an adopted child, who do not avail of their own means for life and are not capable to work, and it is necessary to ensure a more permanent care for them,
 - 3) for the purpose of the performance or the completion of undeferrable seasonal work or the work caused by a natural disaster or some other unforeseeable event, and there is no other person capable to work in the inmate's family,

- 4) in the event of war circumstances or a direct danger for the independence and integrity of the Republic of Croatia.

Procedure for the approval of interruption

Article 156

- (1) The interruption may be approved at the request of the inmate or a member of his or her family to which he or she shall give his or her consent, or at the proposal of the warden.
- (2) The interruption may last from thirty days up to ninety days in twelve months, and for the purpose of a medical treatment twelve months at the longest.
- (3) A ruling on the interruption shall be made by the executing judge.
- (4) The ruling on the interruption shall be delivered to the inmate, the prison or jail, to the social care center, to the police administration or the police station depending on inmate's temporary residence or permanent residence, to the sending court, to the Ministry of Justice and to the health institution if the interruption has been approved for the purpose of hospital treatment, and to the executing judge depending on the place of the use of interruption.
- (5) During the interruption the convict shall be obligated to report every seven days to the police administration or police station depending on the place of residence except in the event of a hospital treatment. The police administration or police station shall be obligated to advise the executing judge in the event of the convict's failure to report.
- (6) The convict shall be obligated to report to the prison or jail on the day of the expiry of the granted interruption at the latest. In the event of the failure to report the warden shall request the issuing of a warrant of arrest.
- (7) The executing judge shall revoke the interruption by a ruling if the reasons have ceased to exist on account of which the interruption has been granted or if the convict commits punishable acts.
- (8) The center for social care, the state attorney's office and the police administration or police station shall advise the executing judge on the reasons for the revoking of the ruling on interruption.

- (9) Expenses of the interruption shall be borne by the convict.

CHAPTER TWENTY-FOUR

PAROLE

Concept

Article 157

The parole is the releasing of an inmate from the serving of a sentence prior to the expiry of the sentence and a supervision may be ordered over him or her during the unserved remainder of the sentence, and he or she may be bound to the continuation of the measures prescribed by the program of execution as well.

Motion

Article 158

- (1) A motion for the parole may be submitted by the inmate, his close relatives from Article 363 Paragraph 2 of the Law on Criminal Procedure ("Narodne novine" No. 110/97), the defense attorney, the state attorney, and the warden of the prison or jail where the sentence is executed.
- (2) A decision-making procedure on the parole may be instituted by the executing judge alone or at the proposal of the authorized persons from Paragraph 1 of this Article.
- (3) The motion may be submitted if the legal conditions from Article 55 Paragraph 1 of the Criminal Law ("Narodne novine" No. 110/97) have been met, and this every four months if the prison sentence has been pronounced for up to one year, and each eight months if a sentence of longer duration has been pronounced.
- (4) If new circumstances occur the inmate may submit a motion independently of the terms from Paragraph 3 of this Article.

(5) Exceptionally, persons from Paragraph 1 of this Article may propose a parole for an inmate if the inmate has contracted a severe disease after one-third of the served sentence, and there are no conditions for a medical treatment in the prison or jail.

Decision-making on parole

Article 159

- (1) The executing judge shall decide by a ruling on the motion for a parole.
- (2) Prior to the making of a ruling the executing judge shall review the personal file, the documentation, the opinion and the proposal of the prison or jail, he shall interrogate the inmate, the warden or the person authorized by him or her, the state attorney depending on the seat of the prison or jail, request the opinion of the social care center and interrogate other experts as well if needed.
- (3) When deciding on the motion he or she shall value the personality of the inmate, his or her previous life and his or her being recurrently sentenced, his or her behavior during the serving of the sentence, life circumstances and the expected effects of the parole on the inmate.
- (4) An inmate may be paroled for up to two months by a decision of the warden prior to the expiry of the sentence if he or she has served three-quarters of the sentence.

Ruling on parole

Article 160

- (1) The ruling on parole may bind the paroled convict to the following:
 - 1) training for a certain occupation or the continuation of the commenced training,
 - 2) acceptance of the offered employment,
 - 3) supervised disposal of income,
 - 4) continuation of medical treatment,

- 5) non-frequentation of certain places,
- 6) reporting to the social care center,
- 7) reporting to the executing judge,
- 8) reporting to the police administration or police station.

(2) The ruling on the parole shall be delivered to: the inmate, the prison or jail, the sending court, the court which has reached the first instance verdict, the social care center depending on the place to which the convict is released, to the police department or police station depending on the place to which the convict is released, the state attorney depending on the seat of the prison or jail and the executing judge depending on the place to which the convict is released.

(3) The ruling on the parole made under the provision of Article 159 Paragraph 4 of this Law shall be delivered by the warden, in addition to the persons from Paragraph 2 of this Article, to the executing judge depending on the seat of the prison or jail as well.

Supervision over the paroled convict

Article 161

(1) The executing judge with jurisdiction depending on the place of permanent or temporary residence of the paroled convict shall be authorized to supervise and organize assistance to the convict in the course of the parole.

(2) Acting in the sense of Paragraph 1 of this Article, the executing judge may, after the carried out procedure, make a ruling whereby he shall establish or alter the conditions which the paroled convict must observe during the parole. These conditions may be established solely with the purpose of preventing the convict from committing a criminal act again.

(3) The ruling from Paragraph 2 of this Article shall be delivered by the executing judge to the appropriate body from Article 160 Paragraph 2 of this Law for the execution thereof.

- (4) The paroled convict may change the place of permanent or temporary residence established in the ruling on parole with the consent of the executing judge only.

Recalling of the ruling on parole

Article 162

- (1) The executing judge with jurisdiction depending on the place of permanent or temporary residence of the paroled convict may recall the parole by a ruling if the convict commits a criminal act or offence for which an unconditional prison sentence has been pronounced to him for a period of thirty days at the least or if he or she does not observe the obligations which have been laid down for him or her without any good reason.
- (2) The executing judge shall recall the parole in conformity with the provisions of Article 55 Paragraph 2 of the Criminal Law ("Narodne novine" No. 110/97).
- (3) The ruling on the parole shall be served to the authorities from Article 160 Paragraph 2 of this Law.
- (4) The convict to whom the parole has been recalled shall be sent to the nearest jail or prison depending on his or her permanent or temporary residence for the continuation of the serving of the sentence in keeping with the provisions of Article 49 of this Law.

CHAPTER TWENTY-FIVE

PREPARATION FOR RELEASE AND AFTER-RELEASE ASSISTANCE

Concept and contents

Article 163

The after-release assistance is a set of measures and procedures which are applied with the purpose of inclusion of released inmates into life in freedom, and it consists of: providing food and accommodation, providing medical treatment, advice on the

selection of permanent or temporary residence, reconciliation of family relations, seeking employment, completion of professional training, granting financial support for the coverage of indispensable needs and other forms of assistance and support.

Preparation for release

Article 164

- (1) Preparing an inmate for the release shall commence upon his or her arrival in the prison or jail. The inmate shall be encouraged to participate responsibly in the preparation for the release in the prison or jail and outside of the prison or jail, and particularly to maintain relations with the family, to keep in touch with state authority bodies, institutions and associations and the persons engaging in an organized manner in the inclusion of the convict into life in freedom. The program of the preparations for the release of and assistance to the inmate shall be entered in the personal file.
- (2) Not later than three months prior to the release the prison or jail shall include the inmate into individual or group advisory work in connection with the preparing of the inmate for release.
- (3) The prison or jail shall keep informed in writing the health and social care institutions and employment services as well as other institutions and associations of social and other needs of the inmate during the serving of the prison sentence, on the necessity of arranging assistance and support in the course of the serving of the prison sentence and upon release.
- (4) The authorized persons may get in touch with inmate's family with his or her consent.
- (5) Prior to the release from the serving of the sentence, the executing judge with jurisdiction depending on the place of the serving of the sentence shall undertake the necessary measures for the receiving of the inmate in co-operation with the executing judge on whose territory the released inmate will have permanent or temporary residence, and the competent social care center.

After-release assistance

Article 165

- (1) Upon the release from the prison or jail the released person may get in touch with the competent executing judge for the purpose of assistance and support granting.
- (2) The executing judge shall co-operate with the social care center which he or she may order by a written ruling to undertake the necessary measures from Article 163 of this Law.
- (3) The center for social care shall, at the request of the prison or jail or the executing judge, assign to the inmate in the course of the serving of the prison sentence or upon the release from the prison sentence a counselor from among their employees for the preparation and implementation of the after-release assistance.

CHAPTER TWENTY-SIX

RELEASE

Time of release

Chapter 166

- (1) An inmate shall be released from the prison or jail after the served sentence or under a decision on parole, amnesty-granting or a pardon..
- (2) If the day of release is a Sunday or a holiday, the inmate shall be released a day before.
- (3) The prison or jail shall advise the executing judge and the competent body for the keeping of criminal records of the release of an inmate within twenty-four hours.

Release procedure

Article 167

- (1) On the occasion of the release the released person shall be given a certificate on release, all personal belongings and deposited things, money and valuables, and the expenses for the fare to the place of residence, and a foreign citizen to the state border of the Republic of Croatia.
- (2) The released person not having his or her own clothes, footwear or financial means shall be provided with appropriate clothes, footwear or assistance in the amount of one daily allowance in keeping with general regulations.
- (3) The released person incapable of travelling on account of an illness shall be provided transport to the place of residence by the prison or jail, and if the continuation of a medical treatment is necessary, to the closest appropriate health institution in the place to which he or she is released.
- (4) The executing judge shall decide on the necessity of putting up the released person in a health institution for medical treatment at the proposal of the medical doctor of the prison or jail or at the request of the released person.
- (5) The medical treatment expenses for the released person not availing of the means for the medical treatment, and not having the right to the obligatory health insurance, and when they cannot be granted in the Croatian Employment Agency, shall be borne by the social care center depending on the place to which he or she is released.
- (6) A person shall be released in the moment of leaving the premises of the prison or jail.

CHAPTER TWENTY-SEVEN

EXECUTION OF A PRISON SENTENCE WHICH HAS BEEN PRONOUNCED IN
THE MISDEMEANOR PROCEDURE

Serving and rights

Article 168

- (1) A prison sentence pronounced in the procedure on account of a misdemeanor shall be served in the jail in keeping with the provision of this Law if not otherwise prescribed in this Chapter.
- (2) The person serving a sentence on account of a misdemeanor (hereinafter: the convict shall be guaranteed all rights from this Law.

Sending to the serving of a sentence

Article 169

- (1) A convict to whom the pronounced fine has been replaced by a prison sentence shall be summoned and sent to the serving of the sentence by the misdemeanor court depending on the place of his or her permanent or temporary residence.
- (2) If the misdemeanor court which has pronounced a prison sentence on account of a misdemeanor or a fine which has been replaced by a prison sentence has no jurisdiction for sending, a final ruling shall be served to the misdemeanor court with jurisdiction for sending within three days.
- (3) If the convict does not respond to the summons, the misdemeanor court shall issue an order to bring him or her in to the competent police administration .

Postponement

Article 170

- (1) A ruling on the postponement of the serving of a prison sentence on account of a misdemeanor shall be made by the president of the competent misdemeanor court for sending within three days from the receipt of the request. The serving shall be postponed until the making of the ruling.
- (2) An appeal may be filed with the High misdemeanor court against the ruling declining the request for the postponement of the execution of the sentence within three days from the receipt of the ruling.
- (3) The High misdemeanor court shall make the ruling on the appeal within further three days. The ruling of the High misdemeanor court shall be effective and final.

Interruption of the serving of a sentence

Article 171

- (1) The serving of a prison sentence on account of a misdemeanor may be interrupted for the reasons as foreseen in Article 155 of this Law, and up to fifteen days at the latest.
- (2) The ruling on the interruption from Paragraph 1 of this Article shall be made by the president of the misdemeanor court with jurisdiction for sending.
- (3) The time of the interruption shall not be calculated into the serving of the sentence.

Manner of serving

Article 172

- (1) The convict shall be accommodated separately from the inmates and detainees.
- (2) During the serving of the sentence the convict may use his or her own underwear, clothes, footwear and bedding and he or she may purchase food at his or her own expense in keeping with the house order.

- (3) The receiving of a convict shall be carried out in keeping with the provisions of Chapter ten, except that he or she shall not be photographed and that his or her papillary line prints shall not be taken.
- (4) The convict shall be entered in the register of persons punished for misdemeanor and the personal file in conformity with the provisions of Articles 70 and 71 of this Law.
- (5) Detailed regulations on the register and the personal file for convicts shall be passed by the Minister of Justice.

Release

Article 173

- (1) The convict serving a prison sentence on account of a misdemeanor for a period of fifteen days shall be released from the serving of the sentence on the last day and hour of the expiry of the sentence to which he or she has been sentenced.
- (2) The convict serving a prison sentence on account of a misdemeanor for a period of fifteen days or more shall be released on the day preceding a Sunday or a holiday if this is the last day of the serving of the sentence.

PART FOUR

INTERNATIONAL CO-OPERATION

CHAPTER TWENTY-EIGHT

JURISDICTION

Taking over and ceding of the execution of a sentence

Article 174

(1) A citizen of the Republic of Croatia may, under conditions provided by the international treaty and its laws or under the condition of reciprocity, serve in the Republic of Croatia a prison sentence which has been pronounced abroad. Any depriving of freedom whatsoever which has been pronounced by a final and effective judgement of the competent court shall be considered a prison sentence in the sense of this part of the Law.

(2) Under the provisions of international treaties or under the condition of reciprocity, the Republic of Croatia shall enable the inmates foreign citizens who have been sentenced to a prison sentence to serve such sentence in their own country.

(3) The taking over or the ceding of the execution of a prison sentence and transfer of an inmate shall be carried out on the basis of the request of the Republic of Croatia and the interested country.

(4) An inmate foreign citizen in the Republic of Croatia may propose to the competent authorities at any time the submitting of a request to the foreign country, and his or her attention has to be drawn to such possibility on the occasion of this or her being received into the prison or jail.

(5) The execution of a prison sentence shall be taken over or ceded under the conditions of this Law in respect of the persons without citizenship as well if they have their usual residence in the Republic of Croatia or some foreign country.

Conditions for the ceding of the execution of a sentence

Article 175

If not otherwise provided by the international treaty, the Republic of Croatia may cede the execution of a prison sentence:

- 1) if the inmate is a citizen of the country to which he or she is to be transferred or if he or she is without citizenship, and has the usual residence in the country to which he or she is to be transferred,
- 2) if the inmate should serve at least another six months of prison in the Republic of Croatia at the time of the receipt of the request for transfer,
- 3) if there is the inmate's valid consent to transfer,

- 4) if the act, on account of which the cession of the execution is requested, is a criminal act both under the local law and the law of the state to which the inmate should be transferred,
- 5) if no criminal proceedings have been instituted in the Republic of Croatia against the inmate for any other criminal act.

CHAPTER TWENTY-NINE

PROCEDURE

Jurisdiction for ceding and taking over

Article 176

- (1) A written request for the ceding or taking over of the execution of a prison sentence shall be submitted in a direct way unless otherwise provided by the international treaty. The Ministry of Justice of the Republic of Croatia shall submit and receive the requests for ceding or taking over of the execution of a prison sentence.
- (2) Data on the identity of the inmate and on his or her citizenship shall be enclosed with the request for the ceding and taking over of the execution of a prison sentence, and in the event of ceding the ruling on the pronounced prison sentence and the data on the duration and commencement of the execution of the sentence shall be enclosed as well.

Jurisdiction for cession

Article 177

- (1) The executing judge shall rule on the motion of a foreign inmate for the ceding and taking over of the execution of a prison sentence in the manner as prescribed in Article 44 of this Law.

(2) The executing judge shall serve the final ruling from Paragraph 1 of this Article to the Ministry of Justice and to the foreign country in the manner as provided by Article 176 of this Law.

(3) Upon receipt of the decision of the foreign country to take over the execution of the prison sentence pronounced in the Republic of Croatia the executing judge shall terminate the execution of the prison sentence in the Republic of Croatia by a ruling and order the Ministry of the Interior to deliver the foreign person to the foreign country's authorities.

Manner of taking over the citizens of the Republic of Croatia

Article 178

(1) In the event when a foreign country has given its approval for the prison sentence to a citizen of the Republic of Croatia to be executed in the Republic of Croatia, the Minister of Justice shall issue required orders and request from other relevant state authorities to undertake necessary actions for the taking over of the inmate.

(2) The ruling on the taking over of the execution of a prison sentence and sending to the appropriate prison or jail shall be made by the executing judge.

Application of the law of the Republic of Croatia

Article 179

Judgements of international criminal tribunals to a prison sentence shall be executed under the provisions of this Law if not otherwise provided by the international treaty.

PART FIVE

TRANSITIONAL AND FINAL PROVISIONS

CHAPTER XXX

Corporation

(1) Where necessary and economically justified, the Government of the Republic of Croatia shall found corporations with limited liability fully owned by the Republic of Croatia from the former economic units of prisons, within six months from the enactment of this Law. The Act on the founding of the corporation shall determine the rights and obligations transferred from the prison economic unit to the corporation.

(2) The assembly of the corporation from Paragraph 1 of this Article shall be composed of the Minister of Justice. The representatives of the Directorate for the Execution of Sanctions of the Ministry of Justice and of the prison shall be guaranteed a proportional number of members in the supervisory board of the corporation, and the president of the supervisory board shall always be a representative of the Ministry of Justice. The warden shall always be the president of the management of the corporation.

(3) The Act on the founding of the corporation shall determine the obligations of the corporation towards the prison. The relations between the corporation and the prison shall be regulated by an agreement.

(4) The corporation from Paragraph 1 of this Article shall employ prisoners. The prisons shall provide the necessary number of occupational teachers and members of supervision sector or department. The prison employees may carry out administrative, accounting, auxiliary and technical tasks for the corporation on the basis of a contract.

(5) The assembly shall decide on the division of profit.

(6) In the case that the corporation generates a loss, the supervisory board shall determine whether the loss occurred partially or fully due to the employment of inmates, on the basis of which the Minister of Justice shall pass a decision on covering the loss at the expense of the founder.

Implementation legislation of the Republic of Croatia

Article 181

(1) The Government of the Republic of Croatia shall enact the following legislation until this Law takes effect:

1) the Decree on the Internal Organization of Prisons, Jails and the Training Center, and on positions, occupations and salaries of employees (Article 23, Paragraph 1);

2) the Decree on positions, signs and conditions for the admission to supervision sector or department, as well as regulations on uniforms and official vehicles of the members of supervision sector and parts of prisons and jails (Article 33, Paragraph 7).

(2) The Government of the Republic of Croatia shall establish the Training Center from Article 32, Paragraph 2 of this Law within one year from the day this Law takes effect.

Implementation Regulations of the Minister of Justice

Article 182

(1) The Minister of justice shall, within six months from the date this Law takes effect pass:

1. The Regulation on the Manner of the Exercise of Inspection Supervision in Prisons and Jails (Article 18, Paragraph 5);
2. The Regulation on the Official Card and Badge (Article 28, Paragraph 3);
3. The Regulation on the Training Programs for Employees (Article 32, Paragraph 1);
4. The Regulation on the Manner of Performance of the Tasks of the Supervision Sector (Article 33, Paragraph 8);

5. The Regulation on the Register, Record and other Recording kept in prisons and jails (Article 73, Paragraph 3, Article 119, Paragraph 4 and Article 172, Paragraph 5);
6. Regulation on Underwear, Clothes, Footwear and Bedding of Inmates (Article 77, Paragraph 8);
7. Regulation on the Production and Service Activities, the List and Description of Jobs of Inmates and the Compensation for their Work (Article 38, Paragraph 2, Article 80, Paragraph 5, Article 83, Paragraph 2 and Article 84, Paragraphs 1 and 4);
8. Regulation on the Manner of Execution of Sentence subject to the Work with Another Employer or self-employment (Article 81, Paragraph 5);
9. Regulation on the Costs of Making, Evaluating, Exposing, Depositing and Sale of the things made by the work of inmates during free time (Article 102, Paragraph 3);
10. Regulation on the Disposal of Money (Article 127, Paragraph 7);
11. Regulation on Privileges of Inmates (Article 132, Paragraph 5);
12. Regulation on the Manner of the Use of Means of Coercion (Article 142, Paragraph 10);
 - (2) The Minister of Justice shall, subject to a consent from the Minister of Health, enact, within six months from the date this Law takes effect:
 1. Regulation on Special Health Ability of Members of Supervision Sector or Department (Article 34, Paragraph 2);
 2. Regulation on the Standards of Accommodation and Food of Inmates (Article e78, Paragraph 5);
 - (3) The Minister of Justice shall, subject to the consent of the Minister of Sport and Education pass, within six months from the day this Law takes effect, the Regulation on Elementary Education and Occupational Training of Inmates (Article 91, Paragraph 3).

Previous Legislation Ceases to have Effect

Article 183

- (1) The Law on the Execution of Sanctions Imposed for Criminal Offences, Economic Infringements and Misdemeanors (“Narodne novine”, No. 21/74,

39/74, 55/88, 19/90 and 66/93) shall cease to have effect in the part which relates to the execution of prison sentence shall cease to have effect.

(2) Until the commencement of the application of the provisions of this Law which relate to the executing judge, the tasks from his or her competence shall be carried of by the body of state authority which has carried out such tasks pursuant to the Law on the Execution of Sanctions Imposed for Criminal Offences, Economic Infringements and Misdemeanors ("Narodne novine", No. 21/74, 39/74, 55/88, 19/90 and 66/93), or the president of the county court having jurisdiction thereof, regarding the new tasks prescribed by this Law.

Validity of present implementation regulations

Article 184

(1) The Regulation on the Organization and Job Classification in Criminal Correctional Institutions and Character Correctional Houses shall be applied up to the promulgation of the regulations from Article 181 Paragraph 1 of this Law ("Narodne novine" No. 41/74).

(2) The Decree on occupations, occupation symbols and conditions for the acquirement of the qualification for an occupation of the members of the judicial police in criminal-correctional institutions and houses for character development ("Narodne novine" No. 70/92), and the Decree on uniforms of the members of the judicial police in the criminal-correctional institutions and houses for character development ("Narodne novine" No. 36/75) shall be applied up to the promulgation of the regulations from Article 181 Paragraph 2 of this Law.

(3) The Regulation on compensations for work of convicted persons ("Narodne novine" No. 36/75), the Regulation on the organization of production and service activities in criminal-correctional institutions not having economic units ("Narodne novine" No. 2/78), the Regulation on forms and the manner of the usage of official identity cards and special symbols of authorized officials of the Ministry of Justice and criminal authorities ("Narodne novine" No. 93/95), the Regulation on professional training of trainees and examinations for the occupations of the members of the judicial police in criminal authorities and institutions for character development of juveniles ("Narodne novine" No. 93/95) and the Instruction on the usage of fire-

arms and other means of coercion on the part of the members of the sentry of criminal-correctional institutions and character development houses ("Narodne novine" No. 36/75) shall be applied up to the promulgation of the regulations from Article 182 of this Law.

Entering into force

Article 185

This Law shall enter into force six months from the day of its publishing in "Narodne novine", and the provisions of Chapter Seven of this Law and all provisions of this Law referring to the executing judge shall commence to be applied six months from the day of the entering into force of this Law.