

# **Negotiated Justice and Organised Crime:**

## **Croatian Perspective**

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# Negotiated justice

Various consensual forms – goals:

- Efficiency of criminal proceedings
  - speed
  - economy
  - **gathering of evidence**
- Humanisation of criminal proceedings (for less serious criminal offences)

# Efficiency of criminal prosecution of organised crime and corruption?

## Procedural mechanisms

- (Intrusive) investigative measures
- Consensual forms/procedures
  - obtaining a statement (evidence) in another criminal procedure against another accused

# Efficiency of criminal prosecution of organised crime and corruption?

4 types of consensual procedures in Croatia:

- Judgment based on agreement of the parties („plea-bargainig“)
- Crown witness
- Settlement with a convicted person (prisoner)
- Witness immunity

## Judgment based on agreement of the parties

For criminal offences of corruption and organised crime?

- Peculiarity of Croatian law
- Is classical plea-bargaining appropriate tool for obtaining witness testimony?
- Mechanisms of assurance (to achieve the goal)?
- Principle of mandatory prosecution?
- Role of the court?
- Role of the victim?

# Conclusion

- Is classical plea bargaining appropriate procedural tool in cases of corruption and organised crime?
- The need of a systematic approach

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