

# GOVERNMENT OF THE REPUBLIC OF CROATIA

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Pursuant to the articles 11, 12, and 62, paragraph 1 of the Security and Intelligence System Act of the Republic of Croatia ("Official Gazette" No. 79/2006 and 105/2006), at its conference on November 10, 2006, the Government of the Republic of Croatia, with the prior sanction by the President of the Republic of Croatia, brought the following

## DECREE

### ON THE ESTABLISHMENT OF DISCIPLINARY COURTS OF THE SECURITY AND INTELLIGENCE AGENCY

#### Article 1

This Decree regulates the establishment and jurisdiction of the disciplinary courts of the Security and Intelligence Agency (hereinafter: SOA), as well as other issues relevant to their operation.

#### Article 2

Disciplinary Court of First Instance is established for the purpose of making first degree decisions on the issues of heavy violation of official and operational duties of SOA employees.

Disciplinary Court of Second Instance is established for the purpose of ruling on appeals made against the decisions of the Disciplinary Court of First Instance in the proceedings for heavy violation of official and operational duties of SOA employees.

Disciplinary Court of First Instance described in paragraph 1 of this article is also responsible for ruling on appeals made against decisions of SOA director or a person appointed by the director in the proceedings for light violation of official and operational duties, as well as ruling on appeals made against decisions on termination of employment.

#### Article 3

Appropriate regulations of the Civil Servants Act and the Security and Intelligence System Act are enforced on the issue of appointment of president and members of the Disciplinary Court of First Instance and the Disciplinary Court of Second Instance; types of violation of official and operational duties; proceeding rules in disciplinary courts; types of penalty; and other issues of relevance in the operation of disciplinary courts.

SOA director may appoint secretaries of courts described in article 2 of this Decree.

#### Article 4

A qualified service within SOA is responsible for administrative and technical operations of SOA disciplinary courts.

#### Article 5

Headquarters of disciplinary courts described in article 2 of this Decree is in Zagreb.

#### Article 6

The title page of the official decision of the court described in article 2, paragraph 1 of this Decree includes the Coat of Arms of the Republic of Croatia, the title of the Republic of Croatia, the title of the Security and Intelligence Agency, the title of the Disciplinary Court of First Instance, the court headquarters, the case number, and the place and date of the decision.

The seal of the court mentioned in paragraph 2 of this article is 38 mm in diameter, displaying the Coat of Arms of the Republic of Croatia in the middle, around which there is a text displaying the titles of the Republic of Croatia, Security and Intelligence Agency, Disciplinary Court of First Instance and its headquarters.

#### Article 7

The title page of the official decision of the court described in article 2, paragraph 2 of this Decree includes the Coat of Arms of the Republic of Croatia, the title of the Republic of Croatia, the title of the Security and Intelligence Agency, the title of the Disciplinary Court of Second Instance, the court headquarters, the case number, and the place and date of the decision.

The seal of the court mentioned in paragraph 2 of this article is 38 mm in diameter, displaying the Coat of Arms of the Republic of Croatia in the middle, around which there is a text displaying the titles of the Republic of Croatia, Security and Intelligence Agency, Disciplinary Court of Second Instance and its headquarters.

#### Article 8

Generally, court proceedings are conducted and court rulings are made during the regular working hours of SOA.

#### Article 9

Presidents and members of courts described in article 2 of this Decree have the right to receive financial remuneration for their work.

Remuneration is established after the closure of the case, separately for the council president, and separately for the council members and disciplinary court secretaries.

The amount of the remuneration described in paragraph 2 of this article is determined by the decision of SOA director.

#### Article 10

Specific means are allocated for the operation of the courts described in article 2 of this Decree from the state budget of the Republic of Croatia.

#### Article 11

On the date this Decree enters into force, the Decree on the establishment of disciplinary courts of the Intelligence Agency ("Official Gazette" No. 83/2003) and the Decree on the establishment of disciplinary courts of the Counter-intelligence Agency ("Official Gazette" No. 83/2003) cease to be valid.

#### Article 12

This Decree enters into force on the date of its publication in the "Official Gazette".

Class: 200-01/06-02/02

Ref. No.: 5030109-06-11

Zagreb, November 10 2006

President

**dr. sc. Ivo Sanader, v. r.**