

This translation consists of
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CERTIFIED TRANSLATION
FROM THE CROATIAN LANGUAGE
DECISION



(The coat of arms of the Republic of Croatia)
Republic of Croatia
Municipal Court in Gospić
Trg Alojzija Stepinca 3
53000 Gospić

No.: Kov-32/2026-12

REPUBLIC OF CROATIA
DECISION

The Municipal Court in Gospić, sitting in an Indictment Panel composed of the Judge of that Court, Dijana Tomašegović Nikolić, as the president of the Panel, and judges Jan Malovac and Marija Rozga as members of the Panel, with the participation of court reporter Katarina Tominac, in the criminal case against the first defendant, Hubertus Arnoldus Habets, and the second defendant, Ivana Antoniette Margaretha Senden, for the criminal offence under Article 326, paragraph 1 of the Criminal Code Code (Official Gazette no. 125/11, 144/12, 56/15, 61/15, 101/17, 118/18, 126/19, 84/21, 114/22, 114/23, 36/24 and 136/25 – hereinafter: CC/11), examining the merits of the indictment, at the panel session held on 5 October 2026

d e c i d e d

Pursuant to Article 354, paragraph 1 of the Criminal Procedure Code (Official Gazette no. 152/08, 76/09, 80/11, 121/11, 91/12 – Decision of the Constitutional Court of the Republic of Croatia, 143/12, 56/13, 145/13, 152/14, 70/17, 126/19, 130/22, 80/22, 36/24, 72/25 and 13/26 – hereinafter: CPC/08), to c o n f i r m the indictment issued by the Municipal State Attorney's Office in Gospić no. KO-DO-30/2026 of 23 February 2026 against the first defendant, Hubertus Arnoldus Habets, and the second defendant, Ivana Antoniette Margaretha Senden, for the criminal offence against public order – illegal entry, movement and residence in the Republic of Croatia, other European Union Member State or signatory of the Schengen Agreement described and punishable by Article 326, paragraph 1 of the Criminal Code (Official Gazette no. 125/11, 144/12, 56/15, 61/15, 101/17, 118/18, 126/19, 84/21, 114/22, 114/23, 36/24 and 136/25 – hereinafter: CC/11).

E x p l a n a t i o n

1 On 23 February 2026, the Municipal State Attorney's Office in Gospić filed an indictment before this Court, no. KO-DO-30/2026 of 23 February 2026, against the first

defendant, Hubertus Arnoldus Habets, and the second defendant, Ivana Antoniette Margaretha Senden, for the criminal offence against public order – illegal entry, movement and residence in the Republic of Croatia, other European Union Member State or signatory of the Schengen Agreement described and punishable by Article 326, paragraph 1 CC/11.

2 The indictment, together with the relevant instructions, was served on the defendants.

No.: Kov-32/2026-12

2

2.1 In their response to the indictment, signed by both defendants, they essentially denied having committed the criminal offence, stating that they had been unaware that the passengers did not possess valid documents and had merely wished to do them a favour by providing transport; they further stated that they were of poor financial means, that they had been on holiday in Croatia, and that they apologised for the misunderstanding.

3 Pursuant to Article 348, paragraph 2 CPC/08, the Indictment Panel held the panel session on 5 October 2026 to examine the merits of the indictment.

4 The Municipal State Attorney's Office in Gospić based the indictment on the police report (page 25 of the file), on the certificate of the temporary seizure of an item serial number 01283038 with the record (pages 26, 29-30 of the file), on the certificate of the temporary seizure of an item serial number 01283040 with the record (pages 27, 32-32 of the file), on the certificate of the temporary seizure of an item serial number 01283039 with the record (pages 28, 29-30 of the file), on the record of the inspection of the light commercial vehicle with printed photographs (pages 33-46 of the file), on the record of the inspection of the mobile phone with printed photographs (pages 47-63 of the file), on the record of the questioning of the second defendant with the video recording (pages 69-70 and 107 of the file), on the record of the questioning of the first defendant with the video recording (pages 74-77 and 106 of the file), on the statements about the personal data of the foreigners (pages 79-99 of the file), on the record of the return of temporarily seized items, with attachments (pages 100-105 of the file), on the Europol data (pages 120-124 of the file), on the basis of which the prosecution considers that there are reasonable grounds to suspect that the defendants committed the criminal offence with which they are charged in the indictment.

5 The Indictment Panel considers the indictment to be well-founded.

6 Upon examination of the indictment, it was established that the indictment had been issued by an authorised prosecutor, following fulfilment of the statutory requirements, and that it had been properly drawn up and submitted within the time limit prescribed by law; accordingly, having reviewed the entire case file and the evidence contained therein, the Indictment Panel considers that the indictment is supported by evidence of sufficient quality and quantity to establish the requisite degree of reasonable suspicion that the first defendant, Hubertus Arnoldus Habets, and the second defendant, Ivana Antoniette Margaretha Senden, committed the criminal offence with which they are charged.

7 In view of the foregoing, it was appropriate to decide as set out in the operative part of this decision and to confirm the indictment, No. KO-DO-30/2026, of 23 February 2026 filed by the Municipal State Attorney's Office in Gospić.

In Gospić, 5 October 2026

President of the Indictment Panel:
Dijana Tomašegović Nikolić

(eSignature of the president of the Panel)

No.: Kov-32/2026-12

3

INSTRUCTIONS ON THE RIGHT TO APPEAL:

An appeal against this decision is not permitted (Article 491, paragraph 2 CPC/08).

To be delivered to:

1 Municipal State Attorney's Office in Gospić, via file no. KO-DO-30/2026

2 First defendant, Ivana Antoniette Margaretha Senden– after the translation

3 Second defendant, Ivana Antoniette Margaretha Senden– after the translation

Entry number: 9-3088e-2813a

Control number: 004cc-6ddbb-0c7b8

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I, Mirna Merdić, certified court interpreter for English language, as appointed by the Decree of the Minister in charge of justice affairs in the Republic of Croatia, Class: UP/I-710-02/24-01/153, Reg. No.: 514-03-04/01-25-12 of February 22, 2025, do hereby certify that the above translation fully corresponds to the original document written in the Croatian language.

Korenica, 12 October 2026

Certification No.: 195/2026





Republika Hrvatska
Općinski sud u Gospiću
Trg Alojzija Stepinca br. 3
53000 Gospić

Poslovni broj: Kov-32/2026-12

REPUBLIKA HRVATSKA

RJEŠENJE

Općinski sud u Gospiću, u optužnom vijeću sastavljenom od sutkinje tog suda Dijane Tomašegović Nikolić kao predsjednice vijeća te sudaca Jana Malovca i Marije Rozge kao članova vijeća, uz sudjelovanje Katarine Tomac kao zapisničarke u kaznenom predmetu protiv 1.okrivljenog Hubertus Arnoldus Habets i 2.okrivljene Ivane Antoniette Margaretha Senden zbog kaznenog djela iz članka 326. stavak 1. Kaznenog zakona („Narodne novine“ br. 125/11., 144/12., 56/15., 61/15., 101/17., 118/18., 126/19., 84/21., 114/22., 114/23., 36/24. i 136/25. - dalje u tekstu: KZ/11.), na sjednici optužnog vijeća povodom ispitivanja optužnice dana 5. listopada 2026.,

riješio je

Temeljem odredbe članka 354. stavak 1. Zakona o kaznenom postupku ("Narodne novine" broj 152/08., 76/09., 80/11., 121/11., 91/12. – Odluka Ustavnog suda Republike Hrvatske broj 143/12., 56/13., 145/13., 152/14., 70/17., 126/19., 130/22., 80/22., 36/24., 72/25. i 13/26. – dalje: ZKP/08.), potvrđuje se optužnica Općinskog državnog odvjetništva u Gospiću broj KO-DO-30/2026 od 23. veljače 2026., protiv 1.okrivljenog Hubertus Arnoldus Habets i 2.okrivljene Ivane Antoniette Margaretha Senden, zbog počinjenja kaznenog djela protiv javnog reda – protuzakonitim ulaženjem, kretanjem i boravkom u Republici Hrvatskoj, drugoj državi članici Europske unije ili potpisnici Šengenskog sporazuma, opisanog i kažnjivog po članku 326. stavku 1. Kaznenog zakona ("Narodne novine" broj 125/11., 144/12., 56/15., 61/15., 101/17., 118/18., 126/19., 84/21., 114/22., 114/23., 36/24. i 136/25. – dalje KZ/11.).

Obrazloženje

1. Općinsko državno odvjetništvo u Gospiću podnijelo je ovom sudu dana 23. veljače 2026. optužnicu broj: KO-DO-30/2026 od 23. veljače 2026., protiv 1.okrivljenog Hubertus Arnoldus Habets i 2. okrivljene Ivane Antoniette Margaretha Senden zbog počinjenja kaznenog djela protiv javnog reda – protuzakonitim ulaženjem, kretanjem i boravkom u Republici Hrvatskoj, drugoj državi članici Europske unije ili potpisnici Šengenskog sporazuma, opisanog i kažnjivog po članku 326. stavku 1. KZ/11.

2. Optužnica i pouka o pravu na odgovor dostavljeni su okrivljenicima.

2.1. U odgovoru na optužnicu koji je potpisalo oboje okrivljenika u bitnome se poriče počinjenje kaznenog djela i navodi da okrivljenici nisu znali da putnici nemaju valjane isprave pa su im samo htjeli učiniti uslugu prijevozom, da su okrivljenici lošeg imovnog stanja te da su u Hrvatskoj bili na godišnjem odmoru i da se ispričavaju zbog nesporazuma.

3. Sukladno odredbi članka 348. stavak 2. ZKP/08. dana 5. listopada 2026. održana je sjednica optužnog vijeća, radi ispitivanja optužnice.

4. Optužnicu ODO u Gospiću temelji na izvješću o postupanju policijskih službenika (list 25 spisa), potvrdi o privremenom oduzimanju predmeta serijski broj 01283038 sa zapisnikom (list 26, 29-30 spisa), potvrdi o privremenom oduzimanju predmeta serijski broj 01283040 sa zapisnikom (list 27, 32-32 spisa), potvrdi o privremenom oduzimanju predmeta serijski broj 01283039 sa zapisnikom (list 28, 29-30 spisa), zapisniku o očevidu teretnog vozila sa fotodokumentacijom (list 33-46 spisa), zapisniku o očevidu mobilnog uređaja sa fotodokumentacijom (list 47-63 spisa), zapisniku o ispitivanju 2. okrivljene sa snimkom (list 69-70 i 107 spisa), zapisniku o ispitivanju 1. okrivljenika sa snimkom (list 74-77 i 106 spisa), izjavama o osobnim podatcima stranaca (list 79-99 spisa), zapisniku o vraćanju privremeno oduzetih predmeta sa priložima (list 100-105 spisa) i podacima Europolu (list 120-124 spisa), osnovom kojih tužitelj smatra da proizlazi osnovana sumnja da su okrivljenici počinili kazneno djelo koje joj se stavlja na teret optužnicom.

5. Optužno vijeće optužnicu cijeni osnovanom.

6. Provedenim ispitivanjem optužnice ustanovljeno je da je optužnica podignuta od strane ovlaštenog tužitelja, da je podignuta nakon ispunjenja zakonskih uvjeta, te je propisno sastavljena i u roku predviđenim zakonom, stoga nakon izvršenog uvida u cjelokupan spis te priložene dokaze u spisu, optužno vijeće cijeni da se podignuta optužnica temelji na potrebnoj kvaliteti i kvantiteti dokaza iz kojih proizlazi relevantan stupanj postojanja osnovane sumnje, da su 1.okrivljeni Hubertus Arnoldus Habets i 2.okrivljena Ivana Antoniette Margaretha Senden počinili kazneno djelo koje im se stavlja na teret.

7. Slijedom navedenog, valjalo je riješiti kao u izreci rješenja i potvrditi optužnicu ODO-a u Gospiću broj KO-DO-30/2026 od 23. veljače 2026.

U Gospiću, 5. listopada 2026.

Predsjednica optužnog vijeća:

Dijana Tomašegović Nikolić

Dokument je elektronički potpisan:
Dijana Tomašegović
Nikolić

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OU=Signature
S=Tomašegović Nikolić
G=Dijana
CN=Dijana Tomašegović Nikolić

UPUTA O PRAVNOM LIJEKU:

Protiv ovog rješenja žalba nije dopuštena (članak 491. stavak 2. ZKP/08).

O tom priopćenje:

1. ODO u Gospiću, na broj: KO-DO-30/2026
2. 1.okrivljena Ivana Antoniette Margaretha Senden, po prijevodu
3. 2.okrivljeni Ivana Antoniette Margaretha Senden, po prijevodu

Broj zapisa: 9-3088e-2813a

Kontrolni broj: 004cc-6ddbb-0c7b8

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MIRNA MERDIĆ



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