

Court interpreter for the
English language
Anja Perković
Pilareva 18/II, Slavonski Brod

This translation consists of:
6 pages / 12 sheets
Certification n. : 39-2026
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OPĆINSKI SUD U SLAVONSKOM BRODU
Primljeno neposredno - preko pošte (obično preporučeno)
18-06-2026 god. u 2 primjeraka 20 / pri
Predan na očitavanje poštom otvoren - s oštećenim omotom.
Predan na očitavanje preporučeno dana 20 god.
Plaćena pristojba kuna u državnim biljezima - manje
plaćeno kuna - podnesak primljen bez pristojbe.
Primljene vrijednosti (novac, državni biljezi i sl.)

Potpis djelatnika

CERTIFIED TRANSLATION FROM
THE CROATIAN LANGUAGE

THE INDICTMENT

- Anton Samir Ishak Saad-



Reg.number: Kov-235/2024-4

DEFENDANT ANTON SAMIR ISHAK SAAD

Pursuant to Article 345, paragraph 1 of the Criminal Procedure Act (Official Gazette "Narodne novine" no.: 152/08, 76/09, 80/11, 121/11 - consolidated text 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 - Decision and Resolution of the Constitutional Court of the Republic of Croatia, and 80/22, hereinafter referred to as the CPA/08), the indictment, no. KO-DO-251/2024-1, dated from 2nd July 2024. is being delivered to you for Your reply.

Pursuant to Article 346, paragraph 1 of the CPA/08, the accused has the right to submit a written response to the indictment within 8 (eight) days of receipt of the indictment, and the defense attorney may also file a response to the indictment without the defendant's specific authorization, but not against his will.

Pursuant to Article 72, paragraph 1 of the CPA/08, when defense is not mandatory, a defense attorney at the expense of budgetary resources may be appointed to the accused, upon his request, after the indictment has been filed, for the criminal offences for which investigation is not carried out or when investigation has not been carried out until the final completion of the criminal proceedings, if, based on his financial situation, he cannot cover the costs of defense, without jeopardizing his own support and the support of his family or persons whom he is legally obliged to support, and the complexity, gravity or special circumstances of the case justify this.

A reasoned request for the appointment of a defense attorney at the expense of budgetary funds, after the indictment is filed is submitted to the court. Along with the request, the accused is obliged to submit evidence of his financial situation, the situation of his family or persons whom he is legally obliged to support, or persons who are legally obliged to support him. The evidence of financial situation must also include total income within a year, information and balances on accounts in banking and other financial institutions, ownership of real estate, movable property and rights on which the request is based.

In Slavonski Brod, 23rd August 2024.

The judge
Silvija Sajfert

Attachment

1. The Indictment

/coat of arms of the Republic of Croatia/
THE REPUBLIC OF CROATIA
MUNICIPAL STATE ATTORNEY'S OFFICE
IN SLAVONSKI BROD
Slavonski Brod, Trg pobjede 2

Number: KO-DO-251/2024-1
Slavonski Brod, 2nd July 2024.
DK/DK

MUNICIPAL COURT IN SLAVONSKI BROD

SLAVONSKI BROD

Pursuant to Article 38, paragraph 2, item 6 in conjunction with Article 341, paragraph 1 and article 342 of the Criminal Procedure Act ("Official Gazette" no.: 152/08, 76/09, 80/11, 91/12, 143/12, 56/13, 145/13, 152/14, 70/17, 126/19, 80/22, 36/24, hereinafter referred to as the CPA), I hereby issue an

INDICTMENT

against:

the defendant, ANTON SAMIR ISHAK SAAD, son of Samir and Afaf, born Fekri, born on 1st October 2002. in Menia, the Arab Republic of Egypt, with residence in Menia, Libia street, The Arab Republic of Egypt, and with residence in Zagreb, Trbovljanska 13, citizen of the Arab Republic of Egypt, with completed secondary high school, a petroleum engineer, employed as a taxi driver for Bolt, with monthly income around 800,00 EUR, unmarried, with no children, with no assets, without rank, unawarded, with no criminal record, defends himself while at liberty,

that,

on 19th January 2024, in the late evening hours, acting jointly and in accordance with a prior agreement with currently unknown persons with the intention of improperly profiting from the transportation of persons who had illegally entered the Republic of Croatia for an unspecified amount, after receiving the exact location of the migrants via the WhatsApp mobile application on an iPhone mobile device with the area code 091/6177574, near Komarnica, in a Chevrolet Cruze passenger car with license plates ČK 375-KG, he took 5 persons of Afro-Asian origin without any personal documents or travel documents, and headed further towards Zagreb,

thus, out of self-interest, he enabled other persons, who are not citizens of the Republic of Croatia, to enter and move unlawfully within the Republic of Croatia,

thereby, he committed a criminal offense against public order – unlawful entry, movement and stay in the Republic of Croatia, another Member State of the European Union or a signatory state of the Schengen Agreement, as described and punishable in 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; hereinafter: CC/11).

- 1.) Therefore, I propose to declare the defendant, Anton Samir Ishak Saad, guilty of the criminal offense under Article 326 paragraph 1 CC/11 and sentence him according to law.
- 2.) On the basis of Article 79 CC/11, I request that the court confiscate from the defendant, Anton Samir Ishak Saad, an iPhone mobile phone, IMEI number 353056096648741 with corresponding SIM card of area code 091/6177574, stated in the certificate of the Brod-Posavina Police Department, Stara Gradiška Border Police Station on the temporary seizure of the item, serial number 00018367 dated from 20th January 2024.
- 3.) I also request that the court, pursuant to Article 148 in conjunction with Article 145 of the Criminal Procedure Act, oblige the defendant, Anton Samir Ishak Saad, to pay the costs of the interpreter, Igor Samac, during the examination of witness Mohamad Hasaam in the amount of 79.64 euros, the costs of digital expertise in the amount of 387,55 euros, **a total of 467,19 euros** in favor of the budget of the Republic of Croatia upon the finality of the judgment within 15 days under threat of enforcement.

Also, I state the pieces of evidence on which the indictment is based:

- 1 record of the interrogation of the suspect, Anton Samir Ishak Saad, with a DVD recording of the interrogation (pages 7-11)
2. certificate of temporary seizure of the object, serial number 00018367 with the corresponding record, all from 20th January 2024 (pages 14-16)
3. certificate of temporary seizure of the object, serial number 00018368 with the corresponding record, all dated from 20th January 2024 (pages 17-19)
4. record of the interrogation of the defendant, Anton Samir Ishak Saad, with DVD recording of the interrogation (pages 45-49)
5. record of the interrogation of the witness, Mohamada Hasaam (pages 55,64)
6. record on the return of temporarily confiscated objects from 26th January 2024 (sheet 72)
7. letter from Bolt dated from 5th February 2024 (page 80)
8. findings and opinion of the digital expert from the Center for Forensic Examinations, Research and Expertise, Ivan Vučetić, dated from 14th June 2024 (pages 86-94)
9. extract from the criminal record for the defendant, Anton Samir Ishak Saad (page 96),
10. extract from the misdemeanor record for the defendant, Anton Samir Ishak Saad (page 95),

These are the pieces of evidence I intend to present. Also, I suggest questioning the police officers of the Brodsko-posavska Police department, Police station Nova Gradiška, David Caban and Ante Marjanović, as witnesses.

Reasoning

The evidence on which the indictment is based, listed under counts 1-8, give rise to a reasonable suspicion that the defendant committed the criminal offense factually and legally described in the operative part of the indictment.

During questioning in the capacity of a suspect, as well as before the State Attorney, the accused, Anton Samir Ishak Saad, stated in his defence that at around 6 or 7 p.m. he accepted one order and then another. He recalls that a man sent him a message telling him to start the order when he arrived, and when he saw that the destination was 160 km away, he thought it was a mistake, but after checking with that man he concluded that it was not a mistake. Thereafter, the man sent him a confirmation via the WhatsApp mobile application. He called him and asked how many people he needed to pick up, and the man replied that the passengers were himself, his wife, and two children. He was supposed to transport them to Zagreb, to the airport. Before going to pick them up, he noticed the police near the toll station, and then informed those people that he would arrive in 10 minutes. When he arrived at that location, he received a new location, which was not far from the first location. Upon arriving there, there were many people, and he asked them who they were and whether they were the people he had come for. Since he realized that there would be major problems for him if he were caught, he decided to take them either to the first house or to the police. However, he thought that he would be arrested because they would not believe him, so he forced them out, one by one. He then approached the police officers and told them that he was from Egypt and that he had been transporting 5 people. Further, in response to a specific question, he stated that he was supposed to receive 200,00 euros, and after tolls and fuel costs he would have been left with 100,00 euros.

Along with the certificates of temporary seizure of items bearing serial numbers 00018367 and 00018368, together with the corresponding records, all dated 20 January 2024, the following were seized from the accused: an iPhone mobile device, IMEI number 353056096648741, with SIM card bearing phone number 091/6177574; a Samsung mobile device, IMEI numbers 358624099442878 and 358625099442875, with the corresponding SIM card bearing phone number 091/6169981; and a Chevrolet Cruze passenger vehicle, registration number ČK 375-KG, chassis number KL1JF69E9AK634822, together with vehicle registration certificate serial number 16868396 and the ignition key. The said vehicle was returned to its owner, as confirmed by the record on the return of temporarily seized items.

Witness Mohamad Hasaam stated that he came from Pakistan with the intention of remaining to live in Croatia. He crossed the Sava River by boat; there were 13 of them, and for that transport he paid one man 3.000,00 euros. Three persons who were travelling with them called a taxi, after which they fled into the forest. He does not know exactly the brand or colour of the taxi vehicles because it was night-time, but he remembers that they were waiting for a taxi vehicle on a road next to the forest. When they got into the car, the taxi driver asked them for more money, so they gave him an additional 200,00 euros. After 100–200 metres, the driver stopped and told them to get out. He communicated with them in English, and when he asked them for more money, they replied that they had no more, whereupon he forced them out. He further added that the taxi driver first got out of the vehicle and then shouted at them and gestured for them to get out of the vehicle.

The digital forensic examination of the devices established the following.

No data relevant to the criminal proceedings were found on the Samsung mobile device; however, on the iPhone mobile device it was established that on 19 January 2024 at 8:49 p.m. the defendant had sent a message to an unknown person, who sent, 3 minutes after, a location situated near the place Štivilica with the instruction to 'pick them up here'. Afterwards, the defendant informed an unknown person that, at that person's request, he had sent his location at 9,00 p.m. so that the person could track him and know where he was at any given moment. The defendant then arranged with that person and stated that he had to come near the place Komarnica, telling him that he would arrive in 1 hour and 40 minutes. That person replied that he would wait for him. At 11:17 p.m., the defendant requested the exact location, and that person provided him with the location where they were situated. After that, the defendant reported that he had arrived. The unknown person instructed him to drive them to Zagreb and that he would receive additional money.

Since it follows from the collected evidence that the aforementioned defendant agreed with an unknown person, for an exactly undetermined amount, to transport migrants and received the exact location via the WhatsApp mobile application, and since such a method, in the form of an arrangement for the transport of persons, is not customary and indicates conduct aimed at obtaining unlawful financial gain by transporting persons who had illegally entered the Republic of Croatia, given that the passengers/migrants were picked up during late-night hours, at an abandoned location near a forest, all of the above indicates the existence of reasonable suspicion that the defendant, in the manner attributed to him, committed the criminal offence of the unlawful entry, movement and stay in the Republic of Croatia, other Member States of the European Union or signatories to the Schengen Agreement, as described and punishable under Article 326, paragraph 1 of the Criminal Code/11). At the same time, grounds also exist for the permanent confiscation and destruction of the aforementioned mobile device within the meaning of Article 79 of the Criminal Code/11), as it was used for the commission of the criminal offence.

As the elements of the aforementioned criminal offence are established by the facts thus determined, the collected data and evidence relating to the criminal offence and the perpetrator provide sufficient grounds for filing an indictment, and it is therefore deemed justified and founded in law."

DEPUTY MUNICIPAL STATE ATTORNEY

Domagoj Kožul

The document is electronically signed:
Domagoj Kožul

Signing time:
2nd July 2024
2:09:27p.m.

Attachment

-case file of the Municipal State Attorney's office in Slavonski Brod, number KO-DO-251/2024

I, **Anja Perković**, court interpreter for the English language, as appointed by the Ministry of Justice and Public Administration, class: **UP/I-710-02/23-01/417**, Reg.num: **514-03-03-03/01-23-08** of **7 September 2023** do hereby certify that the above translation is a faithful and complete translation of the original document written in the Croatian language.

Slavonski Brod, 18 June 2026

Certification n°: 39-2026





REPUBLIKA HRVATSKA
Općinski sud u Slavonskom Brodu
Trg pobjede 13
35000 Slavonski Brod

Poslovni broj: Kov-235/2024-4

Okrivljeni Anton Samir Ishak Saad

Temeljem članka 345. stavak 1. Zakona o kaznenom postupku („Narodne novine“ broj 152/08, 76/09, 80/11, 121/11 – pročišćeni tekst, 91/12 – odluka Ustavnog suda Republike Hrvatske, 143/12, 56/13, 145/13, 152/14, 70/17, 126/19, 130/20 - Odluka i Rješenje Ustavnog suda Republike Hrvatske i 88/22 , u daljnjem tekstu ZKP/08), dostavljamo vam optužnicu broj KO-DO-251/2024-1 od dana 2. srpnja 2024. godine na odgovor.

Temeljem članka 346. stavak 1. ZKP/08 optuženi ima pravo podnijeti pisani odgovor na optužnicu u roku od 8 (osam) dana od primitka optužnice, a odgovor na optužnicu može podnijeti i branitelj bez posebne optuženikove ovlasti, ali ne i protiv njegove volje.

Temeljem članka 72. stavka 1. ZKP/08, kad obrana nije obvezna, optuženiku se može na njegov zahtjev, nakon podizanja optužnice za kaznena djela za koja se istraga ne provodi ili kada istraga nije provedena, do pravomoćnog dovršetka kaznenog postupka imenovati branitelj na teret proračunskih sredstava, ako prema svom imovinskom stanju ne može podmiriti troškove obrane, bez ugrožavanja vlastitog uzdržavanja i uzdržavanja svoje obitelji ili osoba koje je po zakonu dužan uzdržavati, a složenost, težina ili posebne okolnosti predmeta to opravdavaju.

Obrazloženi zahtjev za imenovanje branitelja na teret proračunskih sredstava optuženik podnosi sudu nakon podizanja optužnice. Uz zahtjev, optuženik je dužan priložiti dokaze o svom imovnom stanju, stanju svoje obitelji ili osoba koje je po zakonu dužan uzdržavati odnosno osoba koje su po zakonu dužne uzdržavati njega. Iz dokaza o imovinskom stanju moraju biti vidljivi i ukupni prihodi unutar godine dana, podaci i stanje o računima u bankarskim i drugim financijskim institucijama, vlasništvo nad nekretninama, pokretninama i pravima, kojima se temelji osnovanost zahtjeva.

U Slavonskom Brodu, 23. kolovoza 2024.

Sudac
Silvija Sajfert

Prilog

1. Optužnica



REPUBLIKA HRVATSKA
OPĆINSKO DRŽAVNO ODVJETNIŠTVO
U SLAVONSKOM BROD
Slavonski Brod, Trg pobjede 2

Broj: KO-DO-251/2024-1
Slavonski Brod, 2. srpnja 2024.
DK/DK

OPĆINSKI SUD U SLAVONSKOM BRODU

SLAVONSKI BROD

Na temelju članka 38. stavka 2. točke 6. u vezi s člankom 341. stavkom 1. i člankom 342. Zakona o kaznenom postupku (NN 152/08, 76/09, 80/11, 91/12, 143/12, 56/13, 145/13, 152/14, 70/17, 126/19, 80/22, 36/24, nadalje ZKP) podižem

OPTUŽNICU

protiv:

okr. ANTONA SAMIRA ISHAKA SAADA, sina Samira i Afaf, rođene Fekri, rođenog 1. listopada 2002. u mjestu Menia, Arapska Republika Egipat, s prebivalištem u mjestu Menia, Ulica Libia, Arapska Republika Egipat, i boravištem u Zagrebu, Trbovljanska ulica 13, državljanina Arapske Republike Egipat, SSS inženjera za naftu, zaposlenog kao taksi vozača u Boltu, s mjesečnom plaćom oko 800,00 eura, neoženjenog, bez djece, bez imovine, bez čina, neodlikovanog, neosuđivanog, brani se sa slobode,

da je

dana 19. siječnja 2024., u kasnim večernjim satima, postupajući zajednički i po prethodnom dogovoru sa za sada nepoznatim osobama u nakani da se nepripadno imovinski okoristi prevoženjem osoba koje su nezakonito ušle u Republiku Hrvatsku za točno neutvrđeni iznos, nakon što je na mobilni uređaj marke iPhone pozivnog broja 091/6177574 dobio točnu lokaciju migranata putem mobilne aplikacije WhatsApp, u blizini mjesta Komarnica, u osobni automobil marke Chevrolet Cruze, registarskih oznaka ČK 375-KG, preuzeo 5 osoba afroazijskog porijekla bez ikakvih osobnih dokumenata i putnih isprava, uputivši se dalje prema Zagrebu,

dakle, osobama koje nisu državljani Republike Hrvatske iz koristoljublja omogućio nedozvoljeno kretanje u Republici Hrvatskoj,

pa da je time počinio kazneno djelo protiv javnog reda, protuzakonitog ulaženja, kretanja i boravka u Republici Hrvatskoj, drugim državama članicama EU ili potpisnici Šengenskog sporazuma, opisano i kažnjivo po članku 326. stavku 1. Kaznenog zakona (NN 125/11, 144/12, 56/15, 61/15, 101/17, 118/18, 126/19, 84/21, 114/22, 114/23, dalje KZ/11).

1.) Stoga predlažem okr. Antona Samira Ishaka Saada proglasiti krivim za počinjeno kazneno djelo iz članka 326. stavka 1. KZ/11 i osuditi ga po zakonu.

2.) Na temelju članka 79. KZ/11 tražim da sud od okr. Antona Samira Ishaka Saada oduzme mobilni uređaj marke iPhone, IMEI broja 353056096648741 sa SIM karticom pozivnog broja 091/6177574, navedeno u potvrdi Policijske uprave brodsko-posavske, Postaje granične policije Stara Gradiška o privremenom oduzimanju predmeta serijskog broja 00018367 od 20. siječnja 2024.

3.) Također tražim da sud okr. Antona Samira Ishaka Saada na temelju članka 148. u vezi s člankom 145. ZKP obveže na platež troškova tumača Igora Samca prilikom ispitivanja svjedoka Mohamada Hasaama u iznosu od 79,64 eura, troškova digitalnog vještačenja u iznosu od 387,55 eura, **ukupno 467,19 eura** u korist proračuna Republike Hrvatske po pravomoćnosti presude u roku od 15 dana pod prijetnjom ovrhe.

Također navodim dokaze na kojima temeljim optužnicu:

1. zapisnik o ispitivanju osum. Antona Samira Ishaka Saada s DVD snimkom ispitivanja (list 7-11),
2. potvrda o privremenom oduzimanju predmeta serijskog broja 00018367 s pripadajućim zapisnikom, sve od 20. siječnja 2024. (list 14-16),
3. potvrda o privremenom oduzimanju predmeta serijskog broja 00018368 s pripadajućim zapisnikom, sve od 20. siječnja 2024. (list 17-19),
4. zapisnik o ispitivanju okr. Antona Samira Ishaka Saada s DVD snimkom ispitivanja (list 45-49),
5. zapisnik o ispitivanju svjedoka Mohamada Hasaama (list 55, 64),
6. zapisnik o vraćanju privremeno oduzetih predmeta od 26. siječnja 2024. (list 72),
7. dopis Bolta od 5. veljače 2024. (list 80),
8. nalaz i mišljenje digitalnog vještaka iz Centra za forenzična ispitivanja, istraživanja i vještačenja Ivan Vučetić od 14. lipnja 2024. (list 86-94),
9. izvadak iz kaznene evidencije za okr. Antona Samira Ishaka Saada (list 96),
10. izvadak iz prekršajne evidencije za okr. Antona Samira Ishaka Saada (list 95).

To su dokazi koje namjeravam izvesti na raspravi te predlažem u svojstvu svjedoka ispitati Davida Cabana i Antu Marjanovića, policijske službenike Policijske uprave brodsko-posavske, Policijske postaje Nova Gradiška.

Obrazloženje

Iz dokaza na kojima se temelji optužnica, navedenih pod točkom 1.-8., proizlazi osnovana sumnja da je okrivljenik počinio kazneno djelo činjenično i pravno opisanog u izreci optužnice.

Prilikom ispitivanja u svojstvu osumnjičenika, kao i kod državnog odvjetnika, okr. Anton Samir Ishak Saad je u svojoj obrani naveo da je oko 18 ili 19 sati uzeo jednu narudžbu, a potom i drugu. Sjeća se da mu je jedan čovjek poslao poruku da započne narudžbu kada dođe, a kada je vidio da je narudžba udaljena 160 km, mislio je da je pogreška, no provjerom s tim čovjekom je utvrdio da nije pogreška. Potom mu je putem mobilne aplikacije Whatsapp poslao potvrdu. Nazvao ga je i pitao koliko ljudi treba pokupiti, a ovaj mu je odgovorio da su putnici on, žena i dvoje djece. Trebao ih je prevesti do Zagreba, do zračne luke. Prije nego će doći po njih, zamijetio je policiju kod naplatnih kućica, a potom je te ljude obavijestio da će doći kod njih za 10 minuta. Kada je došao na tu lokaciju, dobio je novu lokaciju, koja nije bila daleko od prve lokacije. Došavši na to mjesto, bilo je dosta ljudi, i pitao ih je tko su, jesu li to ljudi po koje je došao. S obzirom da je shvatio da će biti veliki problema za njega ako ga uhvate, odlučio ih je odvesti do prve kuće ili do policije. Međutim, pomislio je da će ga uhititi jer mu neće vjerovati, pa ih je istjerao van, jednog po jednog. Potom je došao do policijskih službenika rekavši im da je iz Egipta i da je vozio 5 ljudi. Dalje je na poseban upit naveo da je trebao dobiti 200,00 eura, a s obzirom na cestarinu i troškove goriva, ostalo bi mu 100,00 eura.

Od okrivljenika su uz potvrde o privremenom oduzimanju predmeta serijskih brojeva 00018367 i 00018368, uz pripadajuće zapisnike, sve od 20. siječnja 2024. oduzeti mobilni uređaj marke iPhone, IMEI broja 353056096648741 sa SIM karticom pozivnog broja 091/6177574 i mobilni uređaj marke Samsung, IMEI brojeva 358624099442878 i 358625099442875, s pripadajućom SIM karticom pozivnog broja 091/6169981 i osobni automobil marke Chevrolet Cruze, registarskih oznaka ČK 375-KG, broja šasije KL1JF69E9AK634822 s prometnom dozvolom serijskog broja 16868396 i pogonskim ključem. Navedeno vozilo je vraćeno vlasniku, a što potvrđuje zapisnik o vraćanju privremeno oduzetih predmeta.

Svjedok Mohamad Hasaam je naveo da je došao iz Pakistana s ciljem da ostane živjeti u Hrvatskoj. Preko rijeke Save je prešao čamcem, bilo ih je 13 i za taj prijevoz je jednom čovjeku platio 3.000,00 eura. Tri osobe koje su s njima išle su pozvale taksi te su oni potom pobjegli u šumu. Ne zna točno koje marke i koje boje su bili taksi vozila jer je bila noć, no sjeća se da su čekali taksi vozilo na cesti pored šume. Kada su sjeli u automobil, vozač taksija ih je tražio još novaca, pa su mu dali još 200,00 eura. Nakon 100-200 metara, vozač je stao i rekao im da izađu van. On je s njima komunicirao na engleskom jeziku i kada ih je tražio još novaca, oni su mu odgovorili da više nemaju pa ih je istjerao van. Dalje je dodao da je iz vozila najprije izašao taksist, a potom je vikao na njih i pokazivao da izađu van iz vozila.

Provedenim digitalnim vještačenjem uređaja utvrđeno je slijedeće.

Na mobilnom uređaju marke Samsung nisu pronađeni podaci važni za kazneni postupak, no na mobilnom uređaju marke iPhone utvrđeno je da je okrivljenik dana 19. siječnja 2024. u 20,49 sati poslao poruku nepoznatoj osobi, koja mu je 3 minute

poslije poslala lokaciju koja se nalazi u blizini mjesta Štivilica s uputom da "ih pokupi ovdje". Potom je okrivljenik toj nepoznatoj osobi na njezin zahtjev u 21,00 sati poslao svoju lokaciju da ga ova osoba može pratiti i u svakom trenutku znati gdje je. Potom okrivljenik s tom osobom dogovara i konstatira da mora doći u blizini mjesta Komarnica rekavši mu da će doći za 1 sat i 40 minuta. Ta osoba mu odgovara da će ga čekati. U 23,17 sati okrivljenik traži točnu lokaciju, te mu ta osoba dostavlja lokaciju gdje se nalaze. Nakon toga okrivljenik javlja da je stigao. Nepoznata osoba mu navodi da ih doveze u Zagreb i da će dobiti još novaca.

Budući da iz prikupljenih dokaza proizlazi da je navedeni okrivljenik za točno neutvrđeni iznos s nepoznatom osobom dogovarao prijevoz migranata i da je točnu lokaciju dobio putem mobilne aplikacije WhatsApp, a koji način u vidu dogovora prijevoza osoba nije uobičajen i koji upućuje na postupanje usmjereno ka stjecanju nepripadne imovinske koristi prijevozom osoba koje su ilegalno ušle u Republiku Hrvatsku, budući da su putnici/migranti preuzeti u kasnim noćnim satima, na napuštenom mjestu, u blizini šume, sve navedeno ukazuje na postojanje osnovane sumnje da je okrivljenik na način kako mu se to stavlja na teret počinio kazneno djelo protuzakonitog ulaženja, kretanja i boravka u Republici Hrvatskoj, drugim državama članicama EU ili potpisnici Šengenskog sporazuma, opisano i kažnjivo po članku 326. stavku 1. KZ/11. Ujedno proizlazi i osnova da se navedeni mobilni uređaj trajno oduzme i uništi u smislu odredbe članka 79. KZ/11 jer je isti korišten za počinjenje kaznenog djela.

Kako se u tako utvrđenim činjenicama stječu obilježja navedenog kaznenog djela prikupljeni podaci i dokazi koji se odnose na kazneno djelo i počinitelja daju dovoljno osnova za podizanje optužnice te se ona ukazuje opravdanom i na zakonu utemeljena.

ZAMJENIK OPĆINSKOG DRŽAVNOG ODVJETNIKA
Domagoj Kožul

Dokument je elektronički potpisan:

Domagoj Kožul

Vrijeme potpisivanja:

02-07-2024

14:09:27



DN:

C=HR

O=OPĆINSKO DRŽAVNO ODVJETNIŠTVO U SLAVONSKOM BRODU

2.5.4.97=#OC1156415448522D3836363837323034373433

OU=Signature

S=Kožul

G=Domagoj

CN=Domagoj Kožul

Prilog:

- spis predmeta Općinskog državnog odvjetništva u Slavonskom Brodu broj KO-DO-251/2024.



Anja

Perković

