

This translation consists  
of 6 pages / 8 papers.  
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OPĆINSKI SUD U  
KARLOVCU

27 -05- 2026

PRIMLJENO

CERTIFIED TRANSLATION FROM CROATIAN TO ENGLISH  
LANGUAGE  
INDICTMENT



COAT OF ARMS

REPUBLIC OF CROATIA  
DISTRICT PUBLIC PROSECUTOR'S OFFICE IN KARLOVAC  
Karlovac, Trg hrvatskih branitelja

Number: KO-DO-216/2026-1  
Karlovac, 11<sup>th</sup> May 2026  
AMĐ/AMĐ

MUNICIPAL COURT IN KARLOVAC

KARLOVAC

Pursuant to Article 38, paragraph 2, item 6 of the Code of Criminal Procedure (NN No. 152/2008, 76/2009, 80/2011, 121/2011, 91/2012, 143/2012, 56/2013, 145/2013, 152/2014, 70/2017, 126/2019, 130/2020, 80/2022, 36/2024, 72/2025 and 13/26 - hereinafter: CCP/08) in conjunction with Article 341, paragraph 3 CCP/08 and Article 342 CCP/08, I hereby file an

INDICTMENT

against:

the accused Ahmed Yassin Helal, Foreign person ID No.: 2209004090458, son of Mohamed Helal and an unknown mother, born on 22 September 2004 in Burnem, Kingdom of Belgium, citizen of the Kingdom of Belgium, residing in Belgium, Polderstraat 15, Temse, with a high school diploma, student, employed, of average means, unmarried

because:

on April 24, 2026, at around 3:50 in the area of Josipdol and Karlovac, with the intention of materially benefiting from the transportation of illegal migrants, for a amount of 1,000.00 EUR per person, which was to be paid to him after the transportation was completed, and the amounts of 81.65 EUR and 165.22 EUR that were paid to his Revolut account, in a passenger vehicle of the brand "Renault Clio" with the license plate and number 2HJZ608 (Belgium) in the direction of Split, he transported eight illegal migrants, two of whom were placed in the luggage compartment, who had previously illegally entered the territory of the Republic of Croatia without valid travel documents, bypassing border control, and whom he had previously picked up at a location that he had previously received on his mobile phone in the vicinity of Zagreb, until he was prevented from doing so by police officers in the town of Biljevina, Biljevina 5,

therefore, out of self-interest, he enabled other persons to move illegally in the Republic of Croatia,

thus he committed a criminal offense against public order - illegal entry, movement and stay in the Republic of Croatia to another member state of the European Union or a signatory of the Schengen Agreement, described and punishable under Article 326, paragraph 1 of the Criminal Law („NN“ No. 125/2011., 144/2012., 56/2015., 61/2015., 101/2017., 118/2018., 126/2019., 84/2021., 114/2022., 114/2023., 36/2024. and 136/2025. - hereinafter: CL/11).

Pursuant to Article 79, paragraph 2 of the CL/11, I propose that the court seize from the accused the mobile phone brand "IPHONE 16 PRO", indicated on the certificate of temporary confiscation of the item, serial number 01408420

Pursuant to Article 77, paragraph 1 of the CL/11, I propose that the court seize the amounts of 81.65 EUR and 165.22 EUR from the accused.

The evidence on which I base the indictment:

1. report on the conduct of police officers (paper 10),
2. certificate of temporary confiscation of the item number 01408419 (paper 11),
3. certificate of temporary confiscation of the item number 01408420 (paper 12),
4. record of temporary confiscation of the item (paper 13),
5. report on the investigation (paper 14-15),
6. record of search of movable property and bank safe (paper 17-20),
7. record of the interrogation of the accused with the corresponding AV recording (paper 23-27),

### Reasoning

The Karlovac Police Department, Ogulin Police Station filed a criminal complaint against the accused Ahmed Yassin Helal for the criminal offense factually and legally described and legally qualified in the operative part of the indictment, and the reasonable doubt that the accused committed the criminal offense he is charged with arises from the evidence on which the indictment is based.

Questioned by a police investigator in his capacity as an accused person on April 24, 2026, Ahmed Yassin Helal stated that he had come across a job advertisement on the internet and contacted the profile that had posted it. He asked them about the job, but the answers were brief and not sufficiently precise. He thought the job was about transporting people from one location to another within Croatia for good money. He was told that he would be driving people from Zagreb to Split. He was subsequently given instructions to pick up passengers outside Zagreb, in a mountainous area, with the aim of transporting them to Split or its surroundings. He was stopped by the police while driving. He states that he was not aware that this job was a criminal offense, and saw the job as an opportunity to make money. However, upon arriving at the pickup location, he was surprised to

see people running, which made him suspicious. He rented the vehicle he was using from the Berget company at the airport in Belgium, as he did not have his own vehicle available and his friend's vehicle was broken down. He thought it would be most cost-effective to rent a vehicle to carry out the agreed work. Communication with the organizers took place via social networks and applications. After the initial contact via "WhatsApp", where a person introduced himself under the nickname "Camel", he was directed to another person under the nickname "Baba". In the WhatsApp group, several people used the same nickname "Baba", and the communication was later transferred to "Telegram", where they received detailed instructions about locations and transportation. They did not agree on exactly how much compensation he would receive, but he was promised a rough estimate of between 7,000 and 8,000 EUR, with the possibility of performing the job multiple times and earning additional income. The payment was to be made after the transport was completed, in cash or via cryptocurrency. He received the money in cryptocurrency via Revolut for the fuel and vignette costs. He arrived in Croatia on April 25, 2026, at around 22:00 and planned to complete the work the next day. He found accommodation for the night on the "Airbnb" application, about which he had the necessary information, but the organizer told him to arrange the transport immediately. The pick-up location was about an hour and a half drive from Zagreb, after which he received additional instructions for a new location about another hour away. He drove on gravel and grassy terrain. At the pick-up point, he found about twenty people, the main one among whom was a man of Arab origin who organized the entry of people into the vehicle and directed them. He was told that he would receive 1,000.00 EUR per person, and he had no influence on the number of people entering the vehicle. In the end, he points out that this was his first such experience, that he was not aware of the illegality of the action, and that he regrets his participation. He states that he will never do something like this again and is thankful for the fair treatment he received.

The report on the conduct of the police officers shows that on April 24, 2026, at 03:50 in Biljevina, Biljevina 5, the police officers of the OA Koridor II noticed a passenger car of the brand "Renault Clio", license plate 2HJZ608 (Belgium), visibly loaded, which is why they proceeded to stop the vehicle using the light signals on the official vehicle, after which the vehicle stopped. An inspection of the vehicle determined that the vehicle was being driven by the accused and that he was transporting eight male persons, two Sudanese citizens and six Egyptian citizens, with one person in the passenger seat, five people in the back seat, and two people in the luggage compartment, which is not intended for the transport of persons.

The certificate of temporary confiscation of the item with serial number 01408419 and the corresponding record of temporary confiscation of the item show that a passenger car of the make and type "Renault Clio" with license plate and number 2HJZ608 (Belgium) was seized from Ahmed Yassin Helal, along with a copy of the vehicle registration certificate with serial number 614466547 and the ignition key.

The certificate of temporary confiscation of the item with serial number 01408420 and the corresponding record of temporary confiscation of the item show that a mobile device, brand "IPHONE 16 PRO", IMEI 1: 357592317434905, IMEI 2: 357592316065627, was seized from Ahmed Yassin Helal.

The report on the on-site investigation shows that the on-site investigation was conducted on a passenger vehicle of the brand "Renault Clio" with the registration plate and number 2HJZ608 (Belgium).

From the record of the search of the movable property and the bank safe, namely the mobile phone brand "IPHONE 16 PRO" seized from the accused, it follows that a review of the "Whatsapp" application revealed communication with a profile named Kammall Drerie, with the number +31657515572. The communication began on April 24, 2026, from 02:07 to 03:37, and the conversation was in Dutch, and in addition to text communication, the sharing of live locations by the suspect was also observed at 02:12 and 03:20. Furthermore, a group named "HHH" whose members are the suspect, "Kammal Drerie" and "Gamal" with the number +38761701919 is observed. A review of the "Telegram" application reveals a user profile named "A" using the number +32471634910, and communication with the contact "Gamal Hamoud" which took place on April 24, 2026, from 3:42 to 3:44. Upon entering the messages, an outgoing message with a shared "live location" is observed at 3:42, followed by an incoming message "Open the next location and tell me how many minutes", followed by a message at 3:43 "1 hour and 15 minutes" and an incoming message at 3:43 "go brother, that's the final location". Then, an incoming message is spotted at 3:44 with the content "But please, if you can stop somewhere safe and get everyone out of the vehicle and take a picture of them so I can see how many people there are, then keep driving. And don't do it at the end location." By reviewing the "Gallery" application, a copy of the route from the "Google Maps" application can be seen from April 24, 2026 at 00:11, from the city of Zagreb to a location southwest of Karlovac, or west of Cazin, while the travel time is estimated at 1 hour and 29 minutes. Furthermore, a copy of the route from the "Google Maps" application from April 24, 2026 at 01:27 from Josipdol to Plitvice Lakes National Park is visible, and the estimated travel time is 1 hour and 14 minutes. A review of the "Revolut" application reveals an account balance of 136.31 EUR and a withdrawal from April 24, 2026 in the amount of 0.0047 BTC, equivalent to 311.00 EUR, two payments from April 23, 2025, of 0.0012 BTC, equivalent to 81.65 EUR, and 0.0025 BTC, equivalent to 165.22 EUR.

Following all of the above, it follows from the totality of the investigations conducted and the evidence collected in this specific case that the accused committed the criminal offense he is charged with, which is particularly evident from the accused's defense, which essentially acknowledges the decisive facts and describes how he came into contact with the person to perform the job online, after which communication continued via the "WhatsApp" and "Telegram" applications, where he was given specific instructions about the place where the persons should be picked up, about further movement, and that he would receive a pre-agreed

amount of 1,000.00 EUR per person for the transportation performed. The accused's defense is in agreement with the material evidence in the case, in particular with the police officers' report and the fact that he transported two migrants in the luggage compartment, and with the certificates of temporary confiscation of items, which show that the accused's car and mobile device were seized, as well as with the record of the search of the mobile device, which clearly shows continuous communication with the transport organizer. The record shows that the accused was in constant contact with the person who organized the illegal transportation of migrants, and who provided him with locations and instructions on how to pick up the persons and what to do next. It is particularly significant that the accused shared the locations with the organizer on several occasions. Taking into account the way the transport was organised, the pick-up of persons in an isolated area, their movement from the forest area, as well as their further travel along secondary routes, it clearly follows that this was a pre-organised and covert transport of persons who had illegally crossed the state border and were illegally moving through the territory of the Republic of Croatia. The accused was aware of such circumstances, especially since transporting people in the trunk could not in any way indicate that the job was being done legally, and, motivated by the acquisition of improper material gain, he agreed to participate in the commission of the crime. As a result of all the above, it was established that the accused picked up and transported foreign citizens in the direction of Split, but before completing the transport, he was stopped by police officers, which prevented his further actions.

Given all of the above, it is obvious that the accused in the critical incident acted with the direct intention of materially benefiting from the transportation of illegal migrants for the amount of 1,000.00 EUR per person, that he was aware of the illegality of his act when he took the migrants into the vehicle, and that his actions constituted the elements of a criminal offense under Article 326, paragraph 1 of the CL/11, so this indictment appears justified and legally based.

Since the search of the mobile phone confiscated with the certificate of the confiscation of the item serial number 01408420 found the disputed communication, it was determined that it was used to commit a criminal offense, and I consider it necessary to seize it in accordance with Article 79, paragraph 2 of the CL/11, while the amounts of 81.65 EUR and 165.22 EUR paid into the accused's Revolut account are clearly unlawfully acquired material gain, so I propose that the court seize them from the accused.

DEPUTY DISTRICT PUBLIC PROSECUTOR  
Nikolina Masar

*DIGITAL SIGNATURE*

Attachment: file

I, Silvija Vrđuka, permanent court interpreter for English and Czech, as appointed by the President of the County Court in Karlovac, Decree No. **UP/I-710-02/25-01/254** of 13th June 2021, do hereby certify that the above translation is a faithful and complete translation of the original document written in the Croatian language.

Karlovac, 25<sup>th</sup> May 2026

Cert. No.: 9/5-2026





REPUBLIKA HRVATSKA  
OPĆINSKO DRŽAVNO ODVJETNIŠTVO U KARLOVCU  
Karlovac, Trg hrvatskih branitelja

Broj: KO-DO-216/2026-1  
Karlovac, 11. svibnja 2026.  
AMĐ/AMĐ

OPĆINSKI SUD U KARLOVCU

KARLOVAC

Na temelju članka 38. stavka 2. točke 6. Zakona o kaznenom postupku („Narodne novine” broj 152/2008., 76/2009., 80/2011., 121/2011., 91/2012., 143/2012., 56/2013., 145/2013., 152/2014., 70/2017., 126/2019., 130/2020., 80/2022., 36/2024., 72/2025. i 13/26. - dalje: ZKP/08) u svezi s člankom 341. stavkom 3. ZKP/08 i člankom 342. ZKP/08 podižem

OPTUŽNICU

protiv:

okrivljenog Ahmeda Yassina Helala, MBS: 2209004090458, sina Mohameda Helala i nepoznate majke, rođenog 22. rujna 2004. u Burnemu, Kraljevina Belgija, državljanina Kraljevine Belgije, s prebivalištem u Belgiji, Polderstraat 15, Temse, sa završenom srednjom školom, studenta, zaposlenog, srednjeg imovinskog stanja, neoženjenog

da je:

24. travnja 2026. oko 3:50 sati na području Josipdola i Karlovca, u namjeri da se materijalno okoristi prevoženjem ilegalnih migranata, za novčani iznos od 1.000,00 eura po osobi, koji iznos mu je trebao biti isplaćen nakon izvršenog prijevoza te iznose od 81,65 eura i 165,22 eura koji su mu isplaćeni na Revolut račun, u osobnom vozilu marke „Renault Clio“ registarske oznake i broja 2HJZ608 (Belgija) u smjeru Splita prevozio osam ilegalnih migranata, od kojih je dvoje smješteno u prtljažnom prostoru, koji su prethodno, mimo granične kontrole, bez valjanih putnih isprava nezakonito ušli na područje Republike Hrvatske, a koje je prethodno preuzeo na lokaciji koju je prethodno zaprimio na mobilni telefon u okolici Zagreba, sve dok u mjestu Biljevina, Biljevina 5, u tome nije spriječen od strane policijskih službenika,

dakle, iz koristoljublja omogućio drugim osobama nedozvoljeno kretati se u Republici Hrvatskoj,



pa da je time počinio kazneno djelo protiv javnog reda – protuzakonitim ulaženjem, kretanjem i boravkom u Republici Hrvatskoj drugoj državi članici Europske unije ili potpisnici Šengenskog sporazuma, opisano i kažnjivo po članku 326. stavku 1. Kaznenog zakona („Narodne novine“ broj 125/2011., 144/2012., 56/2015., 61/2015., 101/2017., 118/2018., 126/2019., 84/2021., 114/2022., 114/2023., 36/2024. i 136/2025. - dalje: KZ/11).

Na temelju članka 79. stavka 2. KZ/11 predlažem da sud od okrivljenika oduzme mobitel marke „IPHONE 16 PRO“, naznačen na potvrdi o privremenom oduzimanju predmeta serijski broj 01408420

Na temelju članka 77. stavka 1. KZ/11 predlažem da sud od okrivljenika oduzme iznose od 81,65 eura i 165,22 eura.

Dokazi na kojima temeljim optužnicu:

1. izvješće o postupanju policijskih službenika (list 10),
2. potvrda o privremenom oduzimanju predmeta broj 01408419 (list 11),
3. potvrda o privremenom oduzimanju predmeta broj 01408420 (list 12),
4. zapisnik o privremenom oduzimanju predmeta (list 13),
5. zapisnik o očevidu (list 14-15),
6. zapisnik o pretrazi pokretne stvari i bankovnog sefa (list 17-20),
7. zapisnik o ispitivanju okrivljenika s pripadajućom AV snimkom (list 23-27),

#### Obrazloženje

Policijska uprava karlovačka, Policijska postaja Ogulin podnijela je kaznenu prijavu protiv okrivljenika Ahmeda Yassina Helala zbog kaznenog djela činjenično i zakonski opisano i pravno kvalificirano u dispozitivu optužnice, a osnovana sumnja da je okrivljenik počinio kazneno djelo koje mu se stavlja na teret proizlazi iz dokaza na kojima se temelji optužnica.

Ispitan po policijskom istražitelju u svojstvu okrivljenika 24. travnja 2026., Ahmed Yassin Helal iskazao je da je na internetu naišao na oglas za posao te je kontaktirao profil koji ga je objavio. Ispitivao ih je o poslu, ali su odgovori bili kratki i nedovoljno precizni. Mislio je da se radi o prijevozu osoba s jedne lokacije na drugu unutar Hrvatske za dobar novac. Rečeno mu je da će voziti osobe iz Zagreba do Splita. Naknadno su mu dostavljene upute za preuzimanje putnika izvan Zagreba, u planinskom području, s ciljem prijevoza prema Splitu ili njegovoj okolici. Tijekom vožnje zaustavljen je od strane policije. Navodi kako nije bio svjestan da taj posao predstavlja kazneno djelo, posao je doživio kao priliku za zaradu. Međutim, po dolasku na lokaciju preuzimanja ostao je iznenađen jer su osobe dolazile trčeći, što mu je pobudilo sumnju. Vozilo koje je koristio unajmio je u tvrtki Berget na aerodromu u Belgiji, budući da nije imao vlastito vozilo na raspolaganju, a vozilo njegovog prijatelja bilo je u kvaru. Smatrao je da je najisplativije unajmiti vozilo za obavljanje dogovorenog posla. Komunikacija s organizatorima odvijala se putem društvenih mreža i aplikacija. Nakon prvotnog kontakta preko „WhatsApp“, gdje se osoba predstavila pod nadimkom „Camel“, upućen je na drugu osobu pod nadimkom „Baba“. U WhatsApp grupi više osoba koristilo je isti nadimak „Baba“, a komunikacija je kasnije prebačena na „Telegram“, gdje su dobivali detaljne upute o lokacijama i prijevozu. Nisu točno

dogovorili koliku će naknadu dobiti, ali mu je okvirno obećano između 7.000 i 8.000 eura, uz mogućnost višekratnog obavljanja posla i dodatne zarade. Isplata je trebala biti izvršena nakon obavljenog prijevoza, u gotovini ili putem kriptovaluta. Za troškove goriva i vinjeta primio je novac u kriptovaluti putem Revoluta. U Hrvatsku je došao 25. travnja 2026. oko 22:00 sati te je planirao posao obaviti idući dan. Našao je smještaj za prenoćište na aplikaciji „Airbnb“, o čemu posjeduje potrebne podatke, no organizator mu je rekao da obavi prijevoz odmah. Lokacija preuzimanja bila je udaljena oko sat i pol vožnje od Zagreba, nakon čega je dobio dodatne upute za novu lokaciju udaljenu još otprilike sat vremena. Vozio se po makadamu i travnatom terenu. Na mjestu preuzimanja zatekao je oko dvadesetak osoba te je među njima kao glavni bio muškarac arapskog podrijetla koji je organizirao ulazak osoba u vozilo i usmjeravao ih. Rečeno mu je da će dobiti 1.000,00 eura po osobi pri čemu on nije imao utjecaj na broj osoba koje su ulazile u vozilo. Na kraju ističe kako mu je ovo bilo prvo takvo iskustvo, da nije bio svjestan nezakonitosti postupanja te mu je žao zbog svog sudjelovanja. Izjavljuje kako takvo što više nikada neće ponoviti te se zahvaljuje na korektnom postupanju prema njemu.

Iz izvješća o postupanju policijskih službenika proizlazi da su policijski službenici OA Koridor II, 24. travnja 2026. u 03:50 sati u mjestu Biljevina, Biljevina 5, uočili osobni automobil marke „Renault Clio“, registarskih oznaka 2HJZ608 (Belgija), vidno opterećen zbog čega su pristupili zaustavljanju vozila uporabom svjetlosnih signala na službenom vozilu, nakon čega se vozilo zaustavilo. Pregledom vozila utvrđeno je da vozilom upravlja okrivljenik i da isti u vozilu prevozi osam muških osoba, dva državljana Sudana i šest državljana Egipta, na način da se jedna osoba nalazila na suvozačkom sjedalu, pet osoba na stražnjem sjedištu te dvije osobe u prtljažnom prostoru koji nije namijenjen za prijevoz osoba.

Iz potvrde o privremenom oduzimanju predmeta serijskog broja 01408419 i pripadajućim zapisnikom o privremenom oduzimanju predmeta proizlazi da je od Ahmeda Yassina Helala oduzet osobni automobil marke i tipa „Renault Clio“ registarske oznake i broja 2HJZ608 (Belgija) s preslikom prometne dozvole serijskog broja 614466547 i pogonskim ključem.

Iz potvrde o privremenom oduzimanju predmeta serijskog broja 01408420 i pripadajućim zapisnikom o privremenom oduzimanju predmeta proizlazi da je od Ahmeda Yassina Helala oduzet mobilni uređaj, marke „IPHONE 16 PRO“, IMEI 1: 357592317434905, IMEI 2: 357592316065627.

Iz zapisnika o provedenom očevidu proizlazi da je očevid proveden na osobnom vozilu marke „Renault Clio“ registarske oznake i broja 2HJZ608 (Belgija).

Iz zapisnika o pretrazi pokretne stvari i bankovnog sefa i to mobilnog telefona marke „IPHONE 16 PRO“ oduzetog od okrivljenika, proizlazi da je pregledom aplikacije „Whatsapp“ uočena komunikacija s profilom naziva Kammall Drerie, pozivnog broja +31657515572. Komunikacija je započela 24. travnja 2026. od 02:07 sati do 3:37 sati koji razgovor se odvijao na nizozemskom jeziku te se osim tekstualne komunikacije uočava i dijeljenje live lokacija od strane osumnjičenika u 2:12 sati i 3:20 sati. Nadalje se uočava grupa naziva „HHH“ čiji članovi su osumnjičenik, „Kammal Drerie“ i „Gamal“ pozivnog broja +38761701919. Pregledom aplikacije „Telegram“ uočava se korisnički profil naziva „A“ koji se koristi brojem +32471634910, te se uočava komunikacija s

kontaktom „Gamal Hamoud“ koji razgovor se odvijao 24. travnja 2026. od 3:42 do 3:44 sati. Ulaskom u poruke, uočava se odlazna poruka s podijeljenom „live lokacijom“ u 3:42 sati, a zatim dolazna poruka „Otvori sljedeću lokaciju i reci mi koliko minuta“, nakon toga u 3:43 sati poruka „1 sat i 15 minuta“ te dolazna poruka u 3:43 sati „kreni brate, to je krajnja lokacija“. Zatim se uočava dolazna poruka u 3:44 sati sadržaja „Ali molim te ako možeš se zaustaviti negdje gdje je sigurno i sve ih izvaditi iz vozila i snimiti ih da vidim koliko ima ljudi, onda nastavi voziti. I nemoj to uraditi na krajnjoj lokaciji.“ Pregledom aplikacije „Galerija“, uočava se preslika rute s aplikacije „Google maps“ od 24. travnja 2026. u 00:11 sati, od grada Zagreba do lokacije jugozapadno od Karlovca, odnosno zapadno od mjesta Cazin, dok je vrijeme putovanja procijenjeno na 1 sat i 29 minuta. Nadalje, uočava se preslika rute s aplikacije „Google maps“ od 24. travnja 2026. u 01:27 sati od mjesta Josipdol do Nacionalnog parka Plitvička jezera, a procijenjeno vrijeme putovanja je 1 sat i 14 minuta. Pregledom aplikacije „Revolut“ uočava se stanje računa u iznosu od 136,31 eura te isplata od 24. travnja 2026. u iznosu od 0,0047 BTC u protuvrijednosti od 311,00 eura, dvije uplate od 23. travnja 2025. od 0,0012 BTC u protuvrijednosti od 81,65 eura i 0,0025 BTC u protuvrijednosti od 165,22 eura.

Slijedom svega navedenog, iz ukupnosti provedenih izvida i prikupljenih dokaza u konkretnom slučaju proizlazi da je okrivljenik počinio kazneno djelo koje mu se stavlja na teret što osobito proizlazi iz obrane okrivljenika koji u bitnome priznaje odlučne činjenice te opisuje način kako je online stupio u kontakt s osobom za obavljanje posla, nakon čega je komunikacija nastavljena putem aplikacije „WhatsApp“ i „Telegram“, gdje su mu davane konkretne upute o mjestu na kojem treba preuzeti osobe, o daljnjem kretanju i da će za izvršen prijevoz dobiti unaprijed dogovoreni novčani iznos od 1.000,00 eura po osobi. Obrana okrivljenika u suglasnosti je s materijalnim dokazima u predmetu i to posebice s izvješćem policijskih službenika i činjenicom da je dva migranta prevezio u prtljažnom prostoru i s potvrdama o privremenom oduzimanju predmeta iz kojih proizlazi da je od okrivljenika oduzet osobni automobil i mobilni uređaj, te zapisnikom o pretrazi mobilnog uređaja iz kojeg jasno proizlazi kontinuirana komunikacija s organizatorom prijevoza. Iz zapisnika proizlazi da je okrivljenik bio u stalnom kontaktu s osobom koja je organizirala nezakoniti prijevoz migranata, pri čemu su mu dostavljane lokacije te su mu dane upute o preuzimanju osoba i o daljnjem postupanju. Osobito je značajno da je okrivljenik organizatoru više puta dijelio lokacije. Uzimajući u obzir način organizacije prijevoza, preuzimanje osoba na izoliranom području, njihovo kretanje iz šumskog područja, kao i daljnu vožnju sporednim pravcima, jasno proizlazi da se radilo o unaprijed organiziranom i prikrivenom prijevozu osoba koje su nezakonito prešle državnu granicu i nezakonito se kretale teritorijem Republike Hrvatske. Okrivljenik je bio svjestan takvih okolnosti, a posebice jer prevoženje osoba u prtljažniku nikako ne može ukazivati da se radi o legalnom obavljanju posla te je, motiviran stjecanjem nepripadne imovinske koristi, pristao sudjelovati u izvršenju djela. Slijedom svega navedenog, utvrđeno je da je okrivljenik preuzeo i prevezio strane državljane u smjeru Splita, međutim prije dovršetka prijevoza zaustavljen je od strane policijskih službenika, čime je njegovo daljnje postupanje spriječeno.

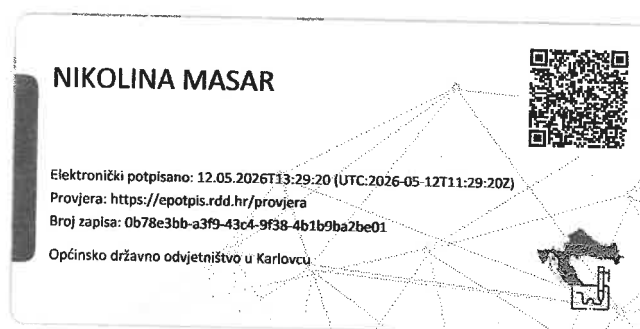
S obzirom na sve navedeno, očito je da je okrivljenik kritične zgode postupao s izravnom namjerom da se materijalno okoristi prevoženjem ilegalnih migranta za iznos od 1.000,00 eura po osobi, da je bio svjestan protupravnosti svog djela kada je migrante preuzeo u vozilo i da je svojim postupanjem ostvario obilježja kaznenog djela

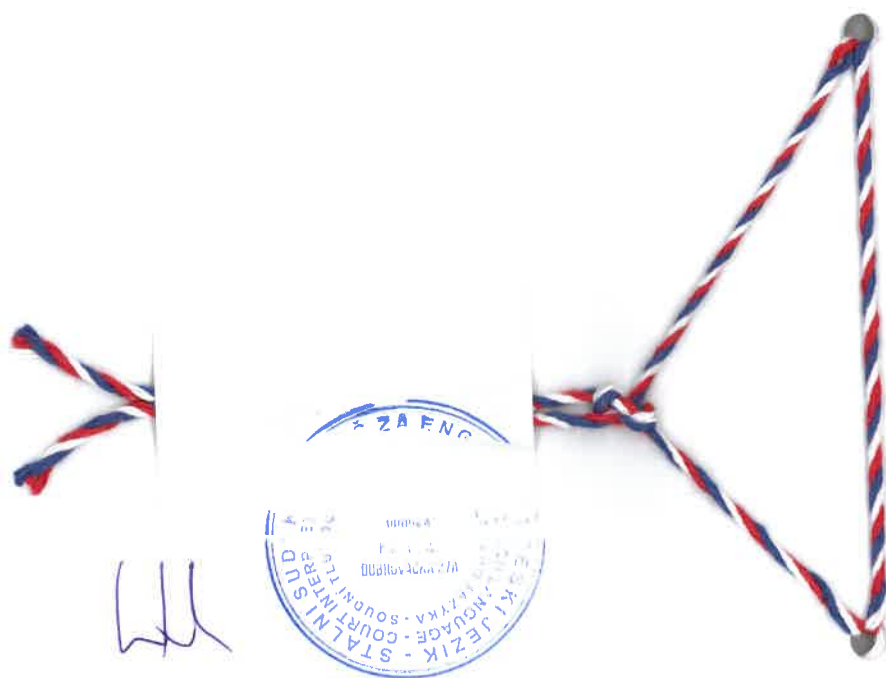
iz članka 326. stavka 1. KZ/11 pa se ova optužnica ukazuje opravdanom i na zakonu utemeljenom.

Budući da je izvršenom pretragom mobitela oduzetim potvrdom o oduzimanju predmeta serijski broj 01408420 pronađena sporna komunikacija, utvrđeno je da su isti korišteni za počinjenje kaznenog djela te smatram potrebnim da se isti oduzmu sukladno članku 79. stavku 2. KZ/11, dok su iznosi od 81,65 eura i 165,22 eura uplaćeni na Revolut račun okrivljenika očito protupravno stečena imovinska korist pa predlažem da sud iste od okrivljenika oduzme.

**ZAMJENICA OPĆINSKOG DRŽAVNOG ODVJETNIKA**  
**Nikolina Masar**

Prilog: spis





WZ