

*Original scientific paper*

*Received: 15. 06. 2022.*

*Accepted: 14. 08. 2022.*

## **ANONYMOUS (CRIMINAL) CHARGES IN THE CROATIAN ADMINISTRATIVE AREA**

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### **Abstract**

The state attorney's office and the police are obliged by their work to strengthen citizens' trust in the institutions of the system every day in order to reduce the evil of criminal offenses for the benefit of the whole society, but due to long-term police investigations, long-term court investigations and long-term trials, Croatian society suffers severe consequences, citizens have lost faith in the ethics of administrative and judicial bodies, they have lost hope and faith in a better future, they do not want to engage in politics, investors avoid the Croatian state in fear of anonymous reports and criminal prosecutions, and the police, state attorney's office and courts have imposed themselves as the benchmark of all values in society, by persecuting civil servants and officials, they become a supranational authority sui generis, they do not use their discretionary rights positively, but use them in a very negative sense, they conduct lengthy investigations, conduct lengthy trials, and at the same time question the collective political decisions of the authorities, thus becoming an authority for themselves.

**Keywords:** *Anonymous (criminal) report, anti-corruption hysteria, discretionary law, prosecution bodies, anti-democratic processes*

### **INTRODUCTION**

The state attorney's office and the police are obliged by their work to strengthen citizens' trust in the institutions of the system on a daily basis in order to reduce the evil of criminal acts for the benefit of the whole society, however, due to the implementation of long-term police investigations, long-term investigations and long-term trials, Croatian society suffers severe consequences as a result, citizens have lost faith in the ethics of the administrative bodies, they have lost hope and faith in a better future, they do not want to engage in politics, investors avoid the Croatian state,

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fearing anonymous reports and criminal prosecution, and the police, state attorney's office and courts have imposed themselves as the benchmark of all values in society, by persecuting government officials and officials, they become supranational authorities sui generis, they do not use their legal discretionary rights positively, but use them in a very negative sense, conducting exhausting investigations, conducts lengthy trials, and at the same time questioning the collective political decisions of the government, thus becoming power for and by itself.

In addition to the aforementioned bodies, the State Inspectorate and other administrative inspection bodies carry out indiscriminate inspections based on various anonymous reports and make oral decisions without determining the actual situation, thus paralyzing the labor market, which destroys the free market. Politicians in fear of the state administration repeat the mantra: "Let the institutions do their work" without calling into question the way of work and the application of the discretionary right of the same institutions, thus supporting the widespread social hysteria of proskribing on everything. This takes the entire Croatian society far back in terms of civilization, far from those true democratic standards, which is the subject of this paper.

#### THE RELATIONSHIP BETWEEN CITIZENS AND LAW ENFORCEMENT AGENCIES

Citizens sometimes avoid reporting criminal offenses due to fear of retaliation or for personal reasons, especially when they are not victims of a criminal offense or for some third reasons.

Such evasion of civic duty harms the community as a whole, and hinders and slows down the work of authorities for the official prosecution of criminal offences. In developed democratic societies, citizens, the state attorney's office and the police cultivate partnership relations, whereby citizens do not shy away from providing information to law enforcement bodies because they perceive it as a contribution to increasing their own security. There are numerous examples when the citizens of the Republic of Croatia helped to protect innocent people by their involvement, and the perpetrators of criminal acts received the punishments they deserved. Citizens have the option to report a criminal offense and remain completely anonymous.

The police and the state attorney's office evaluate the elements of a specific report and decide whether, upon receiving an anonymous report about a committed violation, they will undertake individual investigative measures and actions, as well as various state inspections.

However, the emergence of an irresponsible approach to anonymous criminal and similar reports by the police, the state attorney's office and inspection services leads to serious social deviations, the misuse of all types of anonymous reports for various low

motives, which is why the competent authorities responsible for the action decide at their own discretion, acting according to tendentious anonymous reports that aim to disqualify a certain person by presenting false facts, harassing these people, and often the authorities knowingly or unknowingly persecute them, accept false reports, and thus get involved in private conflicts between opposing private interests.

In this way, they hinder the work of various bodies, institutions and companies by detaining people for informational interviews, confiscating a large amount of documentation, etc. and create distrust of citizens in all those who hold public functions in politics, administration or economy.

#### PUBLIC CALL FOR ANONYMOUS APPLICATIONS AND THE OPPORTUNISM OF THE BODIES OF PERSECUTION

The partnership between citizens and state bodies, especially inspections, the police and the state attorney's office, is extremely useful and positive in order to detect criminal acts, their perpetrators, as well as all kinds of misdemeanors and other illegal actions.

In this sense, the State Attorney's Office of the Republic of Croatia describes on its website <http://www.dorh.hr> what is a criminal report and what is an anonymous criminal report, and states that the State Attorney's Office and the police they also act on the basis of an anonymous report and give instructions to citizens about this possibility.<sup>31</sup>

On the website of the Ministry of the Interior <http://www.mup.hr> it is stated that a person can remain anonymous when reporting a criminal offense, which depends on the method of reporting, that the person should contact the competent police department or police station in writing decide independently whether to provide their data or not. In this way, the police encourage citizens to anonymously report various illegal activities they know about.<sup>32</sup>

On the websites of the Customs Administration <https://carina.gov.hr> and [https://carina.gov.hr/UserDocsImages//arhiva/Dokumenti/Globalni//OBRAZAC\\_ZA\\_PRIJAVU\\_KORUPCIJE.pdf](https://carina.gov.hr/UserDocsImages//arhiva/Dokumenti/Globalni//OBRAZAC_ZA_PRIJAVU_KORUPCIJE.pdf), citizens are invited to report corrupt criminal acts and the information of the applicant is not stated in the application form as mandatory for the application to be acted upon, so citizens are also invited to submit anonymous reports.<sup>33</sup>

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<sup>31</sup> <http://www.dorh.hr/Default.aspx?sec=24>

<sup>32</sup> <http://www.mup.hr/53.aspx>

<sup>33</sup> <https://carina.gov.hr/istaknute-teme/stop-korupciji/2385>,  
[https://carina.gov.hr/UserDocsImages//arhiva/Dokumenti/Globalni//OBRAZAC\\_ZA\\_PRIJAVU\\_KORUPCIJE.pdf](https://carina.gov.hr/UserDocsImages//arhiva/Dokumenti/Globalni//OBRAZAC_ZA_PRIJAVU_KORUPCIJE.pdf)

An anonymous report can be submitted on the website of the Tax Administration <http://www.porezna-uprava.hr><sup>34</sup>

The pages of the State Inspectorate and other state bodies in the Republic of Croatia have also published instructions on submitting anonymous reports on observed illegal actions of natural and legal persons, reports of corruption, etc.

It is clear that the handling of various anonymous reports is questionable and cannot be monitored because there is no obligation of the recipient of the report to inform the applicant, but rather it is the result of a discretionary assessment and decision whether to act on the received report or not.

### MOTIVES AND POSSIBLE REASONS FOR SUBMITTING AN ANONYMOUS (CRIMINAL) REPORT

Motivation always includes some interest, what prompts a person to some activity in order to achieve some goal. The motivation for anonymously reporting a crime, misdemeanor, or other antisocial behavior may be the civic responsibility to report the case without going to court afterward, especially if the reporter is a known person. However, in practice, completely different, unethical motives are common, when an anonymous reporter reports in order to falsely accuse someone with the intention to embarrass him, disturb him, impose suspicion on him and thereby disqualify him in business or private life.

The most common motives are revenge against managers by disgruntled workers, then coercion of workers into illegal actions in order to achieve the criminal goals of their bosses, and in cases of elimination of counter-candidates for various, mostly boss jobs.

Most anonymous criminal and other reports arrive at the Ministries during the periods when various tenders for management positions in institutions are ongoing, both with established facts about criminal or other illegal actions, as well as with various fabricated and unfounded allegations.

In the Report of the State Attorney's Office of the Republic of Croatia for 2021<sup>35</sup>, the structure of reported well-known persons for the period from 2017 to 2021 is stated, but it is evident from the entire report that in the total number of criminal reports, anonymous criminal reports are not listed.

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<sup>34</sup> <http://www.porezna-uprava.hr/bi/Stranice/Pisite-nam.aspx>

<sup>35</sup> <https://dorh.hr/hr/izvjesca-o-radu/izvjesce-o-radu-drzavnih-odvjetnistava-u-2021-godini>

Reported persons	2017.		2018.		2019.		2020.		2021.	
	Reported in the reporting period	Total in operation	Reported in the reporting period	Total in operation	Reported in the reporting period	Total in operation	Reported in the reporting period	Total in operation	Reported in the reporting period	Total in operation
Adult persons	33.425	42.375	30.595	40.966	31.287	42.008	34.213	43.903	35.666	45.605
Younger adults per.	2.020	2.714	1.955	2.654	1.984	2.567	2.529	3.543	2.294	2.899
Legal persons	1.263	1.906	1.188	1.986	1.165	2.113	1.345	2.358	1.283	2.271
Minors	1.883	2.355	1.416	1.837	1.476	1.913	1.839	2.397	1.857	2.234
<b>IN TOTAL</b>	<b>38.591</b>	<b>49.350</b>	<b>35.154</b>	<b>47.443</b>	<b>35.912</b>	<b>48.601</b>	<b>39.926</b>	<b>52.201</b>	<b>41.100</b>	<b>53.009</b>

Table 1. Report of the State Attorney's Office of the Republic of Croatia, 2021, p. 39

During 2021, state attorneys' offices received 41,100 criminal reports against known perpetrators (all natural and legal persons), which is 1,174 reported persons more than in 2020, when 39,926 persons were reported and represents an increase of 2.9%.

The largest number of criminal reports refers to known natural persons - 39,817, which includes criminal reports against adults (from the age of 21), minors (from 18 to 21 years of age) and minors (from 14 to 18) .years of age). The aforementioned applications show an increase of 3.2% compared to the previous year (2020 – 38,581 registered natural persons).

#### EXAMPLE OF POLYTECHNIC "LAVOSLAV RUŽIČKA" IN VUKOVAR

In recent history, there is no known case of such a fierce attack on an institution, especially since it is a public institution for the performance of higher education activities, considering that since the beginning of 2013, about thirty anonymous criminal charges have been filed against the dean and other employees, several administrative inspections of ministries of Science and Education, several budget inspections by the Ministry of Finance, dozens of police inspections were conducted and one court investigation was opened, almost all business and financial documents of the Polytechnic were confiscated during several inspections.

In addition to the anonymous criminal charges against the dean and other employees of the Polytechnic, several non-anonymous charges were filed with the labor inspectorate, the customs office, the Ministries, etc. and in addition to the above, correspondence was conducted with the Administrative Court, Municipal Courts, Misdemeanor Courts, Inspections and the State Inspectorate, County and Municipal

State Attorney's Offices, Police Administrations and Police Stations, Ministries and Lawyers' Offices.

Considering the complexity of the applications, the untidy records of documentation and the scattering of various letters, it was difficult to investigate how many anonymous applications there were and how many signed applications from the applicants and to express the data as a percentage.

Likewise, it was not possible to conduct research by structure, how many anonymous and how many non-anonymous reports were to the police, how many to the state attorney's office, how many to the labor inspectorate, etc., so it was not possible to express these data in percentages.

The data in Table 2 have been compiled according to the data from the archives of the Polytechnic, as precisely as possible, given that some cases lasted for several years, and the same case was handled by the police, the state attorney's office, the courts and the Ministry of Science and Education.

However, regardless of the impossibility of scientific data processing, the data are relevant to the topic of this paper.

<b>SUBJECTS ACTIONS</b>	<b>2013.</b>	<b>2014.</b>	<b>2015.</b>	<b>2016.</b>	<b>2017.</b>	<b>2018.</b>
Ministry of Science and Education	6	11	6	1		2
Ministry of Finance	2	2				
Administrative Court in Osijek	1	4				2
Misdemeanor Court in Vukovar		2	2	2		
Municipal court in Vukovar		3		2		3
Osijek customs office		1				

County State Attorney's Office in Vukovar and USKOK		1	3	3		1
Municipal State Attorney's Office in Vukovar and Osijek		3	18	1		3
Judge of the investigation of the County Court in Osijek						2
Ministry of Labor and Pension System Labor Inspection Regional Office Osijek		5				
Ministry of Labor and Pension System Labor Inspection Regional Office Vukovar		1		2		3
Sibenik-Knin Police Department		1				
Police station in Vukovar		4	8	1		
Municipal court in Bjelovar			2			
Law offices	1		4	2	3	4
Office of the State Administration of Vukovar-Srijem County, Service for Social Activities			1			
Tax Administration Osijek		1	1			

Table 2: Aggregate data on anonymous and non-anonymous reports on various grounds (Source: Author's research)

### FALSE REPORTING OF A CRIMINAL OFFENSE OR OFFENSE AND CONSEQUENCES FOR NATURAL AND LEGAL PERSONS

Article 304 of the Criminal Code of the Republic of Croatia<sup>36</sup> prescribes what constitutes a false report of a criminal offense, so paragraph 1. states: “Whoever reports a person or plants clues that point to the commission of a criminal offense, even though he knows that this is not true, and that it is not a criminal offense that can be prosecuted under a private lawsuit, will be punished with a prison sentence of up to three years“, in paragraph 2. “Who by false reporting, planting clues or in another way provokes

<sup>36</sup> Criminal Code of the Republic of Croatia (Official Gazette No. 125/11., 144/12., 56/15., 61/15., 101/17., 118/18., 126/19., 84/21.)

the initiation of criminal proceedings against a person whom he knows is not the perpetrator of a criminal act, and it is not a criminal offense that is prosecuted under a private lawsuit, shall be punished by imprisonment from six months to five years“, and in paragraph 3. “Whoever reports that a criminal offense has been committed even though he knows it is not true, and it is not a criminal offense that is prosecuted under a private lawsuit, or who reports himself as having committed such an act even though he knows it is not true, shall be punished by imprisonment for up to one year“.

#### PROCEDURE ACCORDING TO AN ANONYMOUS CRIMINAL REPORT<sup>37</sup>

As a rule, the State Attorney's Office acts only on those anonymous criminal reports from which there is a reasonable suspicion that a criminal offense has been committed, that is, a reasonable probability that investigations will be conducted and the necessary data collected.

When he receives an anonymous criminal report stating that a crime has been committed, that is, who the perpetrator is, the state attorney will consider this report as carefully as a criminal report of a well-known person.

The state attorney considers the anonymous criminal report with special attention, because there is always the possibility of falsely reporting a criminal offense and a specific person as the perpetrator, and the probability of reporting a person with the aim of causing harm to that person and with the aim of discrediting him.

So, as a rule, the state attorney's office acts only on those anonymous criminal reports from which there is a reasonable suspicion that a criminal offense has been committed, that is, a reasonable probability that the necessary data will be collected through investigations. As a rule, it is an anonymous report that contains relevant information about persons and facts on the basis of which the reported criminal offense can be proven. Experience from practice shows that it is reported anonymously in those cases when a person who has knowledge that a crime has been committed, who knows who committed it, does not want to come to the state attorney's office or the police and report the crime, because he is afraid that suffer harmful consequences.

#### CONCLUSION

In the above-mentioned text, the possibility of submitting anonymous criminal and other reports, dealing with anonymous reports and the possibility of false reporting and incrimination of such behavior are visible. The purpose of criminalizing false reporting of a criminal offense is to prevent the unjustified engagement of the state apparatus, primarily the judiciary, but also to protect the honor and reputation of

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<sup>37</sup> <https://dorh.hr/hr/anonimna-kaznena-prijava>

various persons, their rights and freedoms, because such reports severely affect the individual, his position in society and his personal peace.

The investigated period refers to the Polytechnic Lavoslav Ružička in Vukovar for the period 2013-2018. in which period the polytechnic and its employees, mainly deans, were the target of the largest number of anonymous criminal and other reports (table 2), which ultimately resulted in only one criminal procedure, which indicates the misuse of anonymous criminal reports. According to the content of the anonymous reports, it is undoubted that the reports were submitted by Polytechnic employees who were dissatisfied with the behavior of the Polytechnic administration or to discredit candidates in the dean selection process, but also for other unknown reasons. Given that it is an academic institution, the question arises as to whether this institution can normally carry out its basic activities related to the organization and execution of undergraduate professional studies and specialist graduate professional studies, other educational programs, professional training and scientific work, organizing student accommodation and mediation in temporary and occasional employment of students, etc.

Due to this kind of pressure from the state bodies that investigated criminal and other reports, the Polytechnic received a letter of expectation from the competent Agency for three years during the reaccreditation process, so it is clear that such a large number of unfounded criminal and other reports resulted in serious consequences for the development of the Polytechnic.

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