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PROJECT OF PUBLIC ANNOUNCEMENT OF JUDGMENTS

JUDGMENTS AVAILABLE FOR EVERY ONE ON INTERNET

On the web site of the Judge's web association judgements and sentences accessible for judges free of charge for the time being / Our project of an public announcement of judgements and sentences on the Internet supported by the Ministry of Justice, but the Supreme Court says that we should establish a special commission to allow announcement of judgements and/or sentences on the Internet, said Dražen Komarica, Judge's web President

Biljana Bašić

ZAGREB, 15th September – As early as 1999 the association Judge's web started to announce judgements and sentences on its web site www.sudackamreza.hr. In such a way a data base of judgements and sentences has been created pursuant criteria that enable easy searching for a judgment – for example pursuant the name of the judge who passed the judgement, pursuant a word form the judgement, pursuant the name of the law and similar.

This project organised by the Judge's web, among other ones, is supported by the Embassies of the USA, Canada, Spain and Netherlands, as well as the OESS, the USAID and the American Bar Association (ABA CELLI) and some other.

A better insight into judiciary operations

The president of the Judge's web, Dražen Komarica, emphasises that it is a non-governmental and non-profitable association whose main purpose is to speed-up and improve excellence of operation of courts with the help of the most recent information technologies and to offer to citizens a better insight into the judiciary operations making judgements and sentences publicly available.

Although Komarica is of the Croatian extraction, he has spent all his life in the States where he took a degree in law at the Rutgers University. He prepares his doctoral thesis from the legal sciences. He has been awarded Fulbright Scholarship for Croatia. In the middle 90-ies he came to our county to study court operations in the regions stuck by the Croatian War for Independence, in Vukovar, Dubrovnik and Osijek.

Komarica says that for the time being there have been quite a lot obstacles for publishing of judgements and sentences on the Internet. It is organised in such a way that judges select personally judgements they like to be announced on Internet sites of Judge's web. Such an approach has been severely opposed by presidents of some courts and some judges as well.

«For example, at the Municipal Court of Zagreb we have been told that such an «arbitrary» usage of judgements and sentences would lead into a

confusion and that the Supreme Court should give permissions for judgements and sentences to be announced at the Internet. Neither the Supreme Court has found too much understanding for the project. Namely, they believe that they should found a special commission to select judgements and sentences that may go to Internet» says Komarica. He also emphasizes that the association has achieved a very good cooperation with the Municipal Court of Zagreb where some judges are ready to cooperate with Judge's web and they have already selected their judgements and/or sentences for announcement on the Internet.

Incomprehensible judges' resistance

Komarica does not understand judges' resistance to announcement of judgements and/or sentences on the Internet. He notes that activities of Judge's web is supported by the Ministry of Justice and the Minister, Ingrid Antičević-Martinović, informed them officially as well that there were no obstacles for announcing of judgements and/or sentences on the Internet. But, adds Komarica, in some countries experiences are far more positive. In such a way he mentions Armenia where he worked on the ABA CELLI Project of introduction of information technologies into the jurisdiction system. Namely, in Armenia the project of public announcement of judgements and sentences started to be executed only a few days after it had been presented to their Supreme Court President.

With regard the western countries, Komarica mentions the US example where you can find not only judgements and sentences on the Internet, but the whole judicial proceeding procedure. But the access to those Internet sites is very expensive and as a rule only legal experts are prepaid to them.

The access to judgements and/or sentences of Judge's web site is available, for the time being, only to judges, but that access is free of charge. «It is only the question of a day when judgements and sentences will be available to all the citizens. The reason is that we are prevented only by technical reasons from enabling all citizens to get an insight into the judgments data base», says Komarica.

A large number of judges do not even know that they can search the judgment data base free of charge. Therefore Judge's web will publish a brochure informing judges how they can research judgments and sentences on their web site.

Judgement data base for judges free of charge

Komarica states that the advantage of announcement of judgements and sentences is multiple. «It is of a special importance to many young judges who can see how their colleagues were resolving individual cases from different court levels – the procedure that is of a high importance in standardizing of jurisprudence. Among other things, by enabling an insight into the court practices a gambler's engaging with proceedings that will obviously end unfavourable for certain parties in the proceeding will be discouraged», concludes Komarica.

Hard to reach a list of court interpreters and experts

On their Internet site Judge's web will publish a list of all 1200 court interpreters and 1800 court experts registered in Croatia together with their

TRANSLATION OF THE DOCUMENT INTO ENGLISH LANGUAGE

references. Komarica says that activities on that project face obstacles as well since the professional associations of court interpreters and experts have refused to give to Judge's web even the list of their members with telephone numbers, although their activities are public.

In Judge's web, they try to find different ways to obtain those data. Names of some court interpreters and experts have been found with the help of the courts where they are registered.

«Many times we have to find registered court interpreters and experts by ourselves, in personal contact, and such a procedure is time and money consuming. For example, we had to engage students that worked over their association «Studentski servis» and contacted court interpreters and experts by phone and asked for the information on their references, foreign languages they spoke, their specialties and similar», says Komarica.

Photo: Vjesnik / Ratko Mavar

At the Municipal Court of Zagreb it is said that «arbitrary usage of information would lead into a confusion»

I, Sanda Salamun, a Permanent Court Interpreter for English and Spanish Languages, nominated by the Decision of the Chairman of the County Court of Zagreb No. 4 Su-1493/02 of 4 December 2002, confirm that the translation made above corresponds completely with the original document made in Croatian language.

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Sanda Salamun

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ZAGREB, utorak, 16. rujna 2003. • III. IZDANJE

PROJEKT JAVNE OBJAVE PRESUDA

Sudske presude bit će na Internetu dostupne svima

Na web-stranici udruge Sudačka mreža presude za sada besplatno dostupne sucima / Imamo podršku Ministarstva pravosuđa za naš projekt javnog objavljivanja presuda, ali u Vrhovnom sudu kažu da bi morali formirati posebno povjerenstvo koje će dopuštati objavu presuda na Internetu, izjavio je Dražen Komarica, predsjednik Sudačke mreže

Biljana Bašić

ZAGREB, 15. rujna – Udruga Sudačka mreža još je 1999. počela objavljivati sudske presude na svojoj web stranici www.sudacka-mreza.hr. Tako je načinjena baza sudskih odluka, svrstanih prema kriterijima koji omogućuju lako pronalaženje neke sudske odluke – primjerice prema imenu suca koji je donio presudu, prema nekoj riječi iz presude, nazivu zakona i slično.

Taj projekt Sudačke mreže, uz ostale, novčano podupiru veleposlanstva SAD-a, Kanade, Španjolske i Nizozemske, zatim OESS, USAID i Američka odvjetnička komora (ABA CELL) i još neke udruge.

Bolji uvid u rad pravosuđa

Predsjednik Sudačke mreže Dražen Komarica ističe da je to nevladina i neprofitna udruga čija je svrha da se suvremenom računalnom tehnologijom ubrza i poboljša vršna rada sudova, kao i da građani dostupnošću presudama steknu bolji uvid u pravosudni rad.

Komarica je podrijetlom iz Hrvatske, ali je cijeli život proveo u Americi, gdje je diplomirao pravo na Rutgers Universityju; uskoro će početi spremati doktorat iz pravnih znanosti. Dobitnik je Fulbrightove stipendije za Hrvatsku. Sredinom devedesetih Komarica je došao u našu zemlju proučavati rad sudova na područjima pogođenima ratom, u Vukovaru, Dubrovniku i u Osijeku.

Komarica kaže da zasad ima dosta zapreka projektu



U Općinskom sudu u Zagrebu kažu da bi »samovoljno« raspolaganje presudama dovelo do zbrke

Foto: Vjesnik/Ratko Mavar

objavljivanja presuda na Internetu koji se ostvaruje tako da suci odabiru presude koje žele objaviti na internetskim stranicama Sudačke mreže. Takvom pristupu, kaže Komarica, žestoko se protive neki predsjednici sudova a i pojedini suci.

»Primjerice, u Općinskom sudu u Zagrebu rečeno nam je da bi takvo »samovoljno« raspolaganje presudama dovelo do zbrke, a da bi dopuštenja za objavljivanje sudskih odluka na Internetu trebao davati Vrhovni sud. No, ni u Vrhovnom sudu nisu naišli na previše razumijevanja za svoj projekt. Naime, ondje smatraju da bi oni trebali formirati po-

sebno povjerenstvo koje će odabirati presude koje mogu ići na Internet«, izjavio je Komarica. Ističe da je vrlo dobra suradnja sa zagrebačkim Županijskim sudom, gdje su neki suci spremni surađivati sa Sudačkom mrežom, te su odabrali svoje presude za objavu na Internetu.

Nerazumljiv sudački otpor

Komarici je sudački otpor objavi presuda na Internetu nerazumljiv. Napominje da rad Sudačke mreže podupire Ministarstvo pravosuđa pa ih je i ministrica Ingrid Antičević-Marinović i službeno obavijestila da nema nikakvih zapreka objavljivanju presuda na Internetu. No, dodaje Komarica, iskustva u nekim zemljama puno su pozitivnija. Tako spominje Armeniju gdje je radio na ABA CELL-jevu projektu informatizacije pravosuđa. Naime, u Armeniji se projekt javne objave presuda počeo ostvarivati samo nekoliko dana nakon što je predstavljen njihovu predsjedniku vrhovnog suda.

Što se tiče zapadnih zemalja, Komarica spominje američki primjer, gdje se na Internetu mogu naći ne samo presude nego i cijeli tijek sudske postupka. No, pristup tim internetskim stranicama veoma je skup pa se na njih pretplaćuju

uglavnom pravni stručnjaci.

Na web-stranici Sudačke mreže pristup sudskim presudama zasad imaju samo suci, no taj pristup je besplatan. »Pitanje je dana kad će presude s naše internetske stranice biti dostupne svim građanima. Jer, sada nas samo tehnički razlozi priječe da svi građani dođu uvid u bazu podataka o presudama«, kaže Komarica.

Velik broj sudaca i ne zna da može besplatno pretraživati bazu sudskih odluka. Zato će Sudačka mreža uskoro tiskati brošuru u 2000 primjeraka u kojoj će suce informirati kako mogu pretraživati presude na njihovoj internetskoj stranici.

Baza sudskih odluka besplatna za suce

Komarica tvrdi da je korist od javne objave presuda višestruka. »Pogotovo je to važno brojnim mladim sucima koji tako mogu doznati kako su njihovi kolege s raznih sudskih razina rješavale pojedine slučajeve, što je važno u jedinačavanju sudske prakse. Uz ostalo, omogućavanjem uvida u sudsku praksu destimulira se i kockarsko upuštanje u parnice, za koje je izvjesno da će završiti nepovoljno za pojedine stranke u postupku«, ustvrdio je Komarica.

Teško do popisa sudskih tumača i vještaka

Sudačka mreža uskoro će na svojoj internet stranici objaviti popis i reference svih 1200 sudskih tumača i 1800 vještaka u Hrvatskoj. Komarica kaže da je i na tom projektu rad otežan, jer su udruge tumača i vještaka odbile dati Sudskoj mreži čak i popis svojih članova i njihove telefonske brojeve, iako je njihov rad javan.

U Sudačkoj mreži se dovijaju na razne načine da dođu do tih podataka, pa su tako do nekih imena tumača i vještaka došli posredstvom sudova na kojima su registrirani.

»U mnogo slučajeva moramo sami, osobnim kontaktima doći do registriranih sudskih tumača i vještaka, što nam oduzima dosta vremena i novca. Primjerice, za taj posao morali smo angažirati studente posredstvom Student-servisa, koji telefonom zovu tumače i vještake sa zamolbom za informacije o njihovim referencama, primjerice stranim jezicima koje govore, njihovim specijalizacijama i slično«, kaže Komarica.