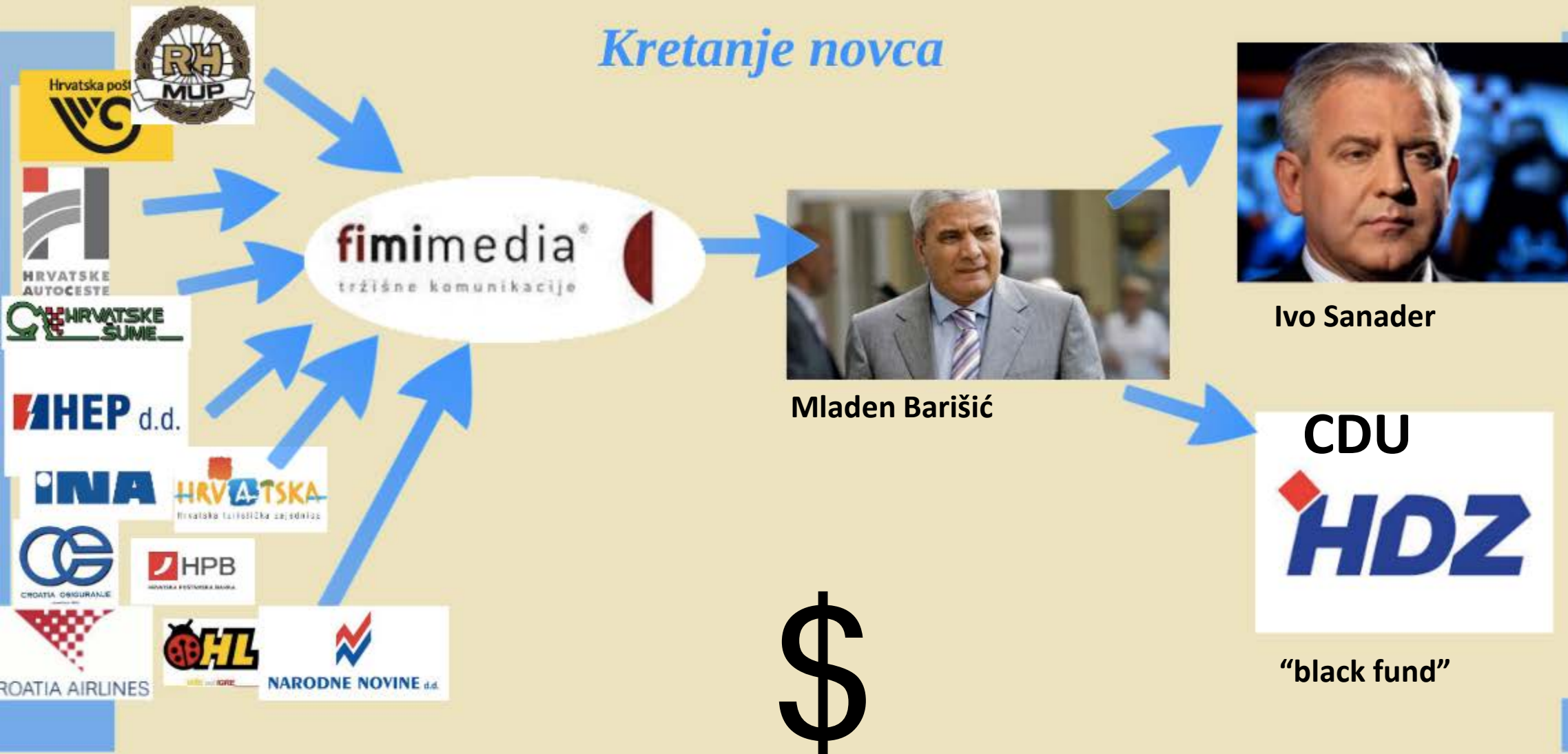


# Responsibility of Political Parties for Criminal Offences

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Zagreb, August 2014.



## Kretanje novca



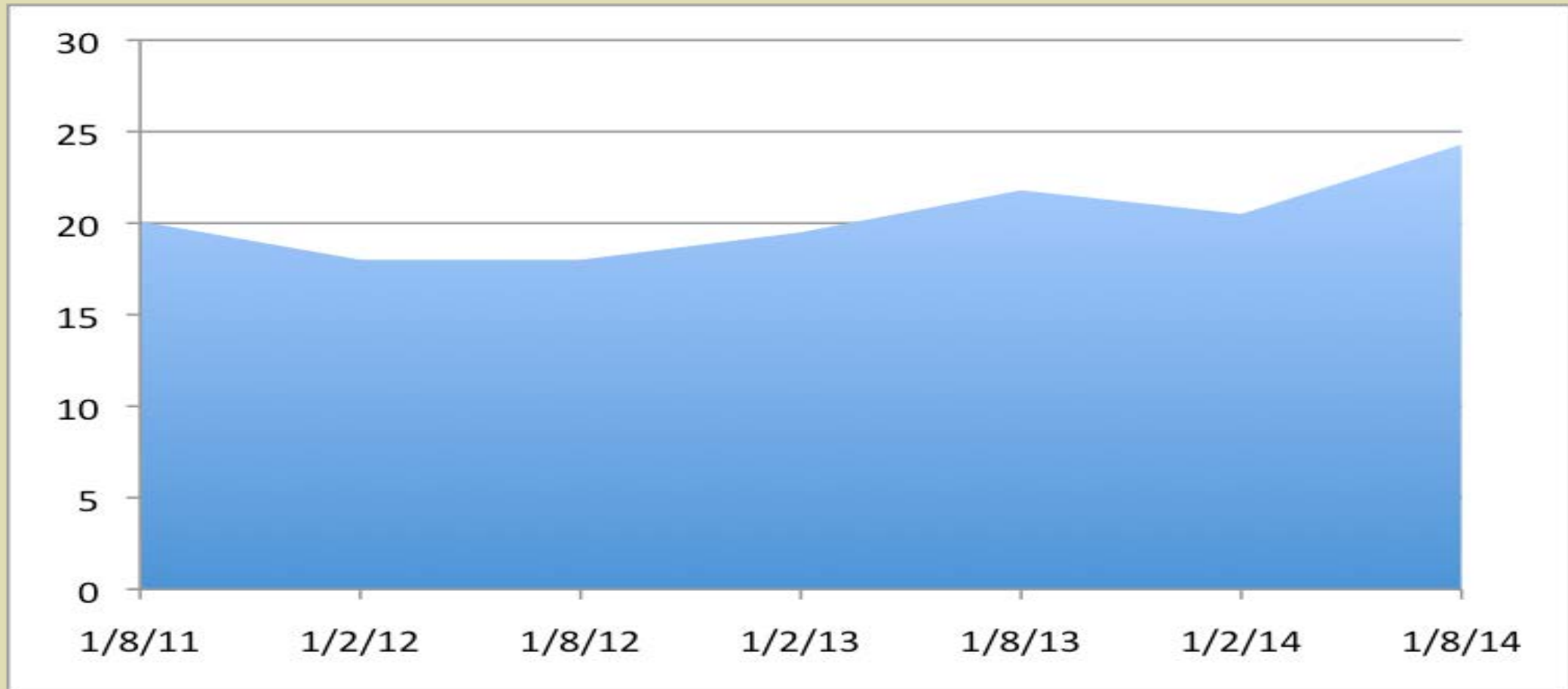
# CDU Case

- 11 March 2014 - 1st case of convicting a political party as a legal person
- Political Party: Croatian Democratic Union (CDU)
- Responsible persons: Former Prime Minister Ivo Sanader, acting as president of CDU and other high officials of CDU
- Beginning of trial: April 2012
- Criminal Offence: conspiracy & abusing power by setting illegal transactions of state-owned companies with Fimi Media company and by receiving illegal donations
- Time of the offence: 2003-2009
- Unlawful benefit of CDU: 24.2 million kuna (€3.1 milion)
- Unlawful benefit of Sanader: 15 million kuna (€2 million)
- Unlawful benefit of Fimi Media: 11,8 million kuna (€1,5 million)
- Punishment: fine of 5 million kuna (€650,000)

# CDU case – Facts

- 196 witnesses
- 130 court sessions
- Case file: 48 000 pages
- **How did CDU spend the money from the “black fund”?**
- Electoral campaigns, payments to media, payments to pop-singers, luxury (BMWs, travels, cattering,...), bribing 1 political party (CPP) etc.

# CDU's popularity (2011-2014)



Source: Promocija plus, CRO-Demoskop

# Theoretical & legal problems

- **Do we need criminal responsibility of political parties as legal persons?**
- **Colliding interests:** justice v. democracy
- **Obstacles:** immunity, abolition, amnesty, pardon, law amendments, political preferences of law enforcement bodies (police, prosecutors, judges...), status change of political parties...
- **Alternatives:** other criminal law models (criminal organizations) political, constitutional, administrative, misdemeanour, civil...
- **Sanctions**
  - Punishments: fine, dissolution, *de facto* dissolution
  - Security measures: bans of certain activities ...
  - Ancillary measures (criminal record)
- **Human Rights concerns** – primarily Art. 11 ECHR

# Conclusion

- Necessary to balance the spectrum of responsibility of political parties for criminal offences in order to **prevent irresponsible political structures**, while ensuring the **functioning of democratic system**.
- Criminal conviction of a political party does not undermine the democratic system





**Silvio Berlusconi**  
4 years for tax-fraud



**Ivo Sanader**  
8,5 years for corruption



**Nicolas Sarkozy**  
charged with corruption



**Janez Janša**  
2 years for corruption

VOTE FOR OUR MEMBERS

BECAUSE THEY ARE  
**TRUSTWORTHY**



THANK YOU!

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