

shall be revoked if the public prosecution office so applies.

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Section 111o **[Attachment *in Rem* for a Property Fine]**

(1) If there are grounds to assume that the requirements for imposing a property fine have been fulfilled, attachment *in rem* may be ordered in respect thereof.

(2) Sections 917, 928, 930 to 932, and 934 subsection (1) of the Code of Civil Procedure shall apply *mutatis mutandis*. In the attachment order a sum of money shall be specified whose deposit shall have the effect of hindering enforcement of attachment and of entitling the debtor to apply for revocation of enforced attachment. The amount concerned shall be governed by the circumstances of the case in question, namely by the anticipated amount of the property fine. This may be assessed. The request for discharge of attachment shall contain the facts required for specifying the amount of money.

(3) Only the judge, and in exigent circumstances also the public prosecution office, shall be competent to order attachment in relation to a property fine. If the public prosecution office has made the order, it shall apply for judicial confirmation of the order within one week. The accused may apply for a judicial decision at any time.

(4) If, in relation to a property fine, enforcement of attachment is to be effected in respect of moveable assets, Section 111f subsection (1) shall apply *mutatis mutandis*.

(5) In all other cases Section 111b subsection (3), Section 111e subsections (3) and 4, Section 111f subsections (2) and (3), second and third sentences, and Sections 111g and 111h shall apply.

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Section 111p **[Seizure of Property]**

(1) Subject to the requirements of Section 111o subsection (1), the property of the accused may be seized if enforcement of the anticipated property fine by means of an attachment order pursuant to Section 111o does not seem secure having regard to the type and scale of the property concerned or for other reasons.

(2) Seizure shall be confined to individual property components if this is sufficient in the light of circumstances, namely of the anticipated amount of the property fine, to ensure its execution.

(3) With the order for seizure of property the accused shall lose the right to administer the seized property and to dispose thereof *inter vivos*. The time of seizure shall be indicated in the order.

(4) Section 111b subsection (3), Section 111o subsection (3), Section 291, Section 292 subsection (2) and Section 293 shall apply *mutatis mutandis*.

(5) The administrator of the property shall notify the public prosecution office and the court of all information acquired during the course of administering the property that may serve the intended purpose of the seizure.

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CHAPTER IX **ARREST AND PROVISIONAL APPREHENSION**

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Section 112 **[Admissibility of Remand Detention; Grounds for Arrest]**

(1) Remand detention may be ordered against the accused if he is strongly suspected of the offence and if there is a ground for arrest. It may not be ordered if it is disproportionate to the significance of the case or to the penalty or measure of reform and prevention likely to be imposed.

(2) A ground for arrest shall exist if, on the basis of certain facts,

1. it is established that the accused has fled or is hiding;

2. considering the circumstances of the individual case, there is a risk that the accused will evade the criminal proceedings (risk of flight); or
3. the accused's conduct gives rise to the strong suspicion that he will
 - a) destroy, alter, remove, suppress, or falsify evidence,
 - b) improperly influence the co-accused, witnesses, or experts, or
 - c) cause others to do so,

and if, therefore, the danger exists that establishment of the truth will be made more difficult (risk of tampering with evidence).

(3) Remand detention may also be ordered against an accused strongly suspected pursuant to section 308 subsections (1) to (3) of the Criminal Code, of having committed a criminal offence pursuant to section 6 subsection (1), number 1, of the Code of Crimes against International Law or section 129a subsections (1) or (2), also in conjunction with section 129b subsection (1), or pursuant to sections 211, 212, 226, 306b or 306c of the Criminal Code, or insofar as life and limb of another have been endangered by the offence, even if there are no grounds for arrest pursuant to subsection (2).

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Section 112a **[Further Grounds for Arrest]**

(1) A ground for arrest shall also exist if the accused is strongly suspected of

1. having committed a criminal offence pursuant to sections 174, 174a, 176 to 179, or pursuant to section 238 subsections (2) and (3) of the Criminal Code, or
2. having repeatedly or continually committed a criminal offence which seriously undermines the legal order pursuant to section 89a, pursuant to section 125a, pursuant to sections 224 to 227, pursuant to sections 243, 244, 249 to 255, 260, pursuant to section 263, pursuant to sections 306 to 306c or section 316a of the Criminal Code or pursuant to section 29 subsection (1), numbers 1, 4 or 10, or subsection (3), section 29a subsection (1), section 30 subsection (1), section 30a subsection (1) of the Narcotics Act,

and certain facts substantiate the risk that prior to final conviction he will commit further serious criminal offences of the same nature or will continue the criminal offence, if detention is required to avert the imminent danger, and in the cases referred to in number 2, a prison sentence exceeding one year is expected to be imposed. In the assessment of strong suspicion of the accused's having committed an offence within the meaning of the first sentence, number 2, consideration shall also be given to offences which are or have been the subject of other, also finally concluded, proceedings.

(2) Subsection (1) shall not be applicable if the prerequisites for issuing a warrant of arrest prevail pursuant to Section 112 and the prerequisites for the suspension of execution of the warrant of arrest pursuant to Section 116 subsections (1) and (2) are not met.

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Section 113 **[Restrictions Applying to Remand Detention]**

- (1) If the offence is punishable only by imprisonment of up to six months, or by a fine up to one hundred and eighty daily units, remand detention may not be ordered on the ground of a risk of evidence being tampered with.
- (2) In such cases, remand detention may be imposed on the ground of a risk of flight only if the accused
 1. has previously evaded the proceedings against him or has made preparations for flight;
 2. has no permanent domicile or place of residence within the territorial scope of this statute; or
 3. cannot establish his identity.

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