

REPUBLIC OF CROATIA  
MUNICIPAL STATE ATTORNEY  
OFFICE IN DUBROVNIK  
REF.NO. KMP-DO-7/16  
Dubrovnik, 10 June 2016  
MK/MK

## DECISION

The Municipal State Attorney Office in Dubrovnik, represented by the Municipal State's Attorney for the youth Marija Kiridija, in the criminal case against Helena Schlachter and Roger Schlachter in relation to Criminal Offences from Article 177, Paragraph 2 of the Criminal Code has, on 10 June 2016

### D e c i d e d

Criminal charges against Helena Schlachter and Roger Schlachter in relation to Criminal Offences from Article 177, Paragraph 2 of the Criminal Law are rejected pursuant to Article 206, Paragraph 1, Point 4 of the Law on Criminal Procedure.

### E x p l a n a t i o n o f t h e D e c i s i o n

The Criminal Police Service filed the Criminal Charges No. K-9/16 on 4 February 2016 against Helena Schlachter and Roger Schlachter in relation to Criminal Offences from Article 177, Paragraph 2 of the Criminal Law.

As therein stated, Helena Schlachter and Roger Schlachter, as the parents of the minor children Daniel, born in 2009, and Filip born in 2008, both diagnosed with autism, and of Kalista Marie, born in 2011, although aware of endangering ulterior psycho-physical development and health of their children, led by scientifically unfounded instructions published on the Internet affirming that autism is not a disease but a condition caused by intestinal parasites that can be healed by the so-called CD Protocol, purchased through the Aquarius Pro Life's Internet Site: <http://power-CDS.com> a product called "Maltesian Solution – Classic+", otherwise selling as a drinking water disinfectant, a package consisting of one bottle of 100 ml containing 25% of Sodium Chloride (NaClO<sub>2</sub>), and of one bottle of 100 ml containing 4% of Hydrogen Chloride (HCL), which they combined with distilled water to prepare a solution which they administered several times per day, orally, to the minor Filip in the period running from the end of November 2015 through 3 February 2016. They also administered the solution of 25% Sodium Chloride (NaClO<sub>2</sub>) and of 4% of Hydrogen Chloride (HCL), mixed with distilled water to their two other children, Daniel and Kalista on 2 February 2016, although aware that the above mentioned substances hadn't been ordered by the competent paediatrician or any other competent MD, and that the said substances haven't been approved to be used as food, food supplement or medicine on the Territory of the Republic of Croatia, putting thus in danger the health of the minor Daniel, Filip and Kalista Marie. Furthermore, Helena Schlachter, although aware of the warning on the noxiousness of the consumption of the said products, as published on the Internet Pages of the Agency for Medical Products and Medical Devices – HALMED, recommended the product and publicly encouraged on several occasions by the way of open media (Internet, Radio and TV shows) other parents whose children suffer from autism to use the CD Protocol Solution on their children.

Interrogated before this State Attorney in the quality of a suspect, Helena Schlachter defends herself by keeping the silence.

Interrogated before this State Attorney in the quality of a suspect, Roger Schlachter defends himself by keeping the silence.

Interviewed on 2 May 2016 as a witness, the Paediatrician Nada Marković says that the minor children Filip, Daniel and Kalista Maria Schlachter have been her patients since 13 February 2014. Helena Schlachter came to her Cabinet in Gruda on 1 December 2015 with Filip for the reason of dermatitis. The child was examined, and except for the symptoms of the basic disease – autism – and skin changes, the medical finding was normal. At the occasion and from the anamnesis, she learned that the mother was thinking about the CD and Turbo Diet, which she would start applying on Filip. The doctor prescribed the therapy against dermatitis, as well as diapers which had been prescribed from earlier date, and wrote a recommendation for a microbiological exam (cellophane imprint – worms test). Thereupon, she contacted by phone the competent persons at the Service of Epidemiology with the Institute of Public Health of the Dubrovnik and Neretva County as well as the Sanitary Inspection in Dubrovnik in order to get informed whether she had an obligation of reporting such intentions in written form. The same informed her about counselling with Zagreb, but she didn't bear such obligation. Hereinafter, Helena was regularly coming for consultations and examinations on the following dates: 28 December 2015, 7 January 2016 and 14 January 2016. On 18 January, the doctor learned from the anamnesis that the mother started on her own initiative practicing the CD Protocol on Filip, and that his reaction was good. On the following visit, that took place on 27 January, asking the mother about Filip's stool, she was informed it was well formed and harder than usually. On the same visit, the mother asked the doctor to examine Filip for the basic disease – autism – which the doctor did with the help of the mother. An ECG was performed as well. Filip was also given a recommendation for a visit with the gastroenterologist Žitko at the CHC Split, which was scheduled for 4 May 2016. The general clinical finding was good, as well as the routine lab results. The next visits for routine exams and consultations took place on 2, 5, 9 and 15 February. On the next visit, that took place on 18 February, Filip's Mother, Helena, informed the doctor that she had taken Filip on her own initiative to an internist gastroenterologist, who didn't indicate a need for a colonoscopy exam. The mother came alone for consultations again on 23 and 25 February and then on 3 March 2016. On the following visit that took place on 12 April, the doctor learned from the anamnesis that Filip follows a twenty-day "parasite program" per month, that he feels good, understands everything, eats everything, is good at school, that his stool is formed and that he weighs 27 kg. As far as the doctor knows, the mother was sending Filip's stool samples for parasite exams to several labs in Croatia and abroad on her own initiative. Asked to present the results, she never disclosed them. The doctor wrote the recommendations for exams with a children psychiatrist, a psychologist and a speech therapist, but hasn't been informed if Filip was taken to the said specialists. Ever since the Children Schlachter have been her patients, she has been maintaining good cooperation with the parents, who have been conscientious parents up to the present time.

In an informative interview, MD Vanda Žitko states that she was approached by Helena Schlachter from Dubrovnik on 4 May 2016 at her workplace within the CHC Split, Department of Paediatrics, Cabinet of Paediatric Gastroenterology and Hepatology, where she was performing the job of a paediatric gastroenterologist, who brought her minor son Filip Schlachter, born in 12 July 2008, for an exam. That was the first time she met Helena and her child, and never before had any contact with her or heard anything about Helena and the members of her family. She then says that the mother came with a recommendation of the family paediatrician. Having asked her if it was an unusual practice to bring a child for an exam to Split, the mother said it was usual given there is no paediatric specialized in gastroenterological field in Dubrovnik. Once in the cabinet, she took the anamnesis data from Helena, which she recorded in the specialist's finding, the copy of which was given to the mother. During the anamnesis interview, the mother said the child developed autistic spectrum disorders upon vaccination, and she, therefore, contacted numerous medical doctors, with no particular results, which led her to start treating her child with the so-called CD Protocol. Helena also said that the child's health condition has improved upon the use of the said protocol. The mother didn't mention any acute or new health problem of the child. Having examined the boy, the doctor wrote her opinion in the result and never heard from Helena or met with her again.

In an informative interview with Barbara Prezac-Benigar, a professor rehabilitator and a magister of sciences Art-Therapist said she has been working the last ten years with the Centre for Autism in Rijeka as a defectologist, a special education teacher. Regarding the interview she gave regarding the Protocol CD/MMS in treatment of autistic children, Barbara states there was a huge media interest about it and that she was

approached by journalists to express her opinion about it. Mrs. Helena, from Dubrovnik, who was under investigation for having treated her minor autistic children with the said Protocol, also asked a statement from her, which was then delivered to the State Attorney in Dubrovnik. She also says that she owns a private firm "Kolovatura" Ltd, specialized in education and observation of children with developmental difficulties, that she manages herself, being at the same time the only employee working on the rehabilitation and observation of autistic children. Many parents of autistic children call her for advice. She got acquainted with the CD/MMD Protocol in the treatment of autistic children last year by the way of the Internet, where she also found a book written by Mrs. Kerri Rivera. The Protocol talks about the scientific research and developmental phases that autistic children encounter on their way to the healing. Barbara says she was positively surprised with the research, but doesn't want to talk about the Protocol, given that the mentioned book contains everything about it. She also says some people call her and some come to her working premises with their autistic children. Furthermore, she states that some parents who treated their children with the said CD/MMS Protocol come to ask her advice because they are not sure whether they should continue with the therapy. In regard with her profession, she accentuates not being competent for the estimation of the children's general health condition, but can make an estimate of the progress of autistic children in the fields of communication, socialization as well as regarding their cognitive, emotional and motor development. She adds, as somebody beyond the profession and as a human, that as far as she observed, none of these children look abandoned or suffer or feel pain. Like many people who call her for advice, Helena contacted her in mid-December 2015 asking for advice and a professional opinion. They talked about autism, but she doesn't want to say what exactly she counselled and recommended to Helena. At the occasion, Helena mentioned to Barbara that she uses the CD Protocol in the treatment of her autistic children. Barbara heard from Helena a day before as well, and they talked about different topics. Regarding the experiences of parents using the CD Protocol, she says she is very positive and can, as a specialist, precisely determine the phases and the progress of these children in different developmental fields, unlike the parents, who do not always feel reassured, not being capable to perceive the progress in their children's health condition, these being minor. She never wrote anything about the CD Protocol treatment, but has seen children who were treated with positive outcome. She never had any remarks about such treatment on the parents' side. Regarding the causes of autism, she doesn't know what exactly causes it. According to what the parents of autistic children say, the treatment with the CD Protocol helps children start talking. Regarding the use of the solution according to the CD Protocol, she is not familiar how the product is purchased and administered - She doesn't know about the Association Senzori, or its members or persons associated with it.

In the informative interview regarding the child Filip Schlachter, born in 2008, MD Ivan Čurlin, employed at the Polyclinic "Marin Med" in Dubrovnik, declares he was approached by a female person who introduced herself as the mother of an autistic child, in order to make an appointment for a colonoscopy exam of her son who suffers from autism. He refused to perform the colonoscopy unless recommended by the competent paediatric with respect of the lack of indications and given the invasive method of the exam which would require the child is put asleep. He didn't have any other knowledge regarding the case.

In an informative interview Mr. Sci. MD Javorcka Grbić-Leko says she received in her cabinet a postal item on 26 January 2016 containing a stool sample of the child Filip Schlachter, which had been previously arranged over the phone with Helena Schlachter. As from the contact with the child's mother, who never personally came to the cabinet alone or with the child, she concluded she lives in the Dubrovnik Region and, therefore, they agreed the sample would be sent by Post, which is the usual practice with people living in distant places. In conformance with her field of work, she was supposed to examine whether the stool contained parasites and cists. Having analyzed the received sample, she stated the absence of eggs of intestinal helminthes and of intestinal protozoan cists.

In an informative interview, Stanka Diklić, a teacher at the Elementary School "Cavtat", Branch School Čilipi, says Filip is a student in her class who suffers from autism and, therefore, has a teaching assistant, a defectologist, Gorana Marković. She knows Filip from September of 2015, i.e. from the beginning of the School Year 2015/2016. Depending on his mood, Filip participates in teaching, can achieve anything if wishing it and, where appropriate, pronounces a few words. The mother came to school at the beginning of the second semester, after the winter holidays and informed Filip's assistant that she would administer the CD Protocol to the boy, and

that he would be on a diet prohibiting milk fat, sugar and gluten, which the assistant communicated to her. She personally found Filip brighter and in better mood only after a few days after the therapy started, but several days later he started again behaving the same as before, depending on his mood and motivation. Asked whether Filip was absent from school lately or complained about pains, she says Filip was absent on 18 and 19 January 2016, which the mother justified by diarrhea. He also was absent on 29 January for the reason of his participation in a TV show. She personally cannot say whether Filip ever complained about pains. He didn't lose weight and was never sick at school, and nothing unusual has ever been observed at school regarding his appearance and behaviour.

In an informative interview, Nika Sukno, an educator in the kinder garden in Čilipi says Daniel is a child with special needs for being autistic and, therefore, has an assistant in the person of Luce Ban, who has been working with him from the beginning of the School Year 2015/2016. She personally never observed any deviation in Daniel's behaviour and nothing unusual was found about it. No weight loss was noticed and the child never complained about any pain.

In an informative interview, Luce Ban – an educator and teaching assistant employed at the kinder garden in Čilipi, says that given Daniel suffers from autism, she has been working with him since the beginning of the School Year 2015/2016. She furthermore states no important improvements can be observed regarding the behavioural pattern of the child, but no deterioration either, except that his daily routine has improved regarding the socialization with other children, which means that he has adopted the rules of conduct in a group, like queuing for lunch or toilet etc. While children with the same diagnosis refuse the company of their peers or the participation in play with other children, Daniel spends 5-10% of the time playing and socializing with other children. She personally never observed any deviation in his behaviour or regarding his physical appearance in the last two-three months. She also writes reports on Daniel which she delivers to the director of the kinder garden.

In an informative interview, Gordana Martinović, a defectologist – assistant in teaching at the Elementary School Cavtat, Branch School Čilipi, says she has been working with Filip from September of 2015. i.e. the beginning of the School Year 2015/2016 for the reason of autism. She takes Filip to school and back home every working day and works with him according to the assigned program. She was informed by Filip's mother on the treatment with the so-called CD Protocol, without knowing what it is, and that Filip was on a diet prohibiting the import of milk fat, sugar and gluten. Filip's mother then explained to her and read to her about the treatment, and according to what she was presented to her, if true, Filip's health condition should improve only within a few months. However, no particular improvements have been observed, except for motor abilities that have been slightly improved. Filip never demonstrated a sign of weakness or other difficulties and his physical appearance hasn't changed before or after the therapy.

According to the letter sent from the Kinder Garden Konavle dated 26 February 2016, Daniel Schlachter was enrolled in the regular program on 1 September 2013. He presently attends the regular shortened program in the duration of 5 hours daily with the help of his assistant. An improvement has been observed since his attendance, especially regarding the compliance with group rules. He has adopted group routines but still doesn't participate in group activities with his peers, preferring independent activities or those engaging the adults. An improvement has been noticed in the field of emotional development (absence of inadequate emotional outbursts – outburst of anger and aggression). With the aim of achieving better quality of needs and rights of the child, a professional team has elaborated an Individualized Educational Plan (IOOP) in cooperation with the educators, containing the guidelines for the work with the child in a group. The little girl Kalista Maria enrolled in a regular program on 1 September 2014 (in the duration of 5 hours per day). The development status of the girl is in conformance with her age. She has been accepted within the group and she participates in group activities with her peers. The cooperation between the parents and the educators is correct. The cooperation between the parents and the professional team is occasional and mainly on the initiative of the Institution.

The letter sent by the Elementary School Cavtat dated 25 February 2016, lists the observations regarding the educational status of Filip Schlachter, a first grade student, based on the pedagogical

documentation and opinions of the class mistress and the teachers, the professional-developmental service, the assistant teacher and on continuous discreet observation and contacts with the parents. The student Filip Schlachter is a first grade student of the Branche School Čilipi – Elementary School Cavtat in the School Year 2015/2016. The school's expert committee has, after having carried out the process of establishing the psycho-physical condition of the child/student, brought the opinion and the proposal of the most appropriate form of education for Filip. Enclosed with the opinion of the Committee was the medical documentation – the result of the Rehabilitation Centre – Cabinet for Autistic Spectrum Disorders. Based on the above presented, the State Administration Office (DNŽ) issued a decision on the appropriate form of education for the boy. Since his attendance, the child has been demonstrating better autonomy in learning and has a better understanding of instructions. He accomplishes easier tasks on worksheets but, due to uncertainty, asks the help of the assistant. He keeps focused 10 minutes at maximum. He uses the computer in teaching, which is of great help for him regarding the adoption of the curriculum in accordance with his possibilities, together with the permanent work of the assistant. An evident improvement has been observed in comparison to the first semester regarding the eye contact with the teacher as well as the socialization with his classmates. Still, the student is not capable of following the school contents and the pace of adoption of the curriculum independently. Nevertheless, with the customized contents and individualized procedures, the child achieves excellent results. Further structural and team approach will be continued in his future educational work.

According to the data provided by the Centre for Social Welfare in Dubrovnik, the parents, Helena and Roger, concluded the marriage on 27 January 2008. It was the first marriage for both of them. The relationships in the marriage appear to be harmonious. Three children were born in the marriage. Filip was born on 12 July 2008. He started walking at the age of 14 months. Up to the age of 13 months, his speech was appropriate for the age, he was using some 10 meaningful words. From the earliest age, his eye contact was bad, or as the parents say, "his gaze was empty". Upon the birth of the second child, within four months, the parents noticed that Filip stopped communicating with the family, and sometimes he wouldn't react to his name being called out. He was examined at the Paediatric Clinic in Zagreb, where the following diagnosis was established: delayed speech development with autistic elements and the global development within the borderline functioning. A communication disorder was diagnosed as well as the lack of enamel on the teeth. Filip still wears diapers. He doesn't understand the simplest things, like going to WC. He lacks concentration, his attentions fluctuates. He likes very much working on the computer, where he watches animals. He is not interested in cartoons. He is restless and cannot sit longer in one place. His speech is lagging behind, unable to compose correct phrases, or verbalize spontaneously. He knows the numbers, reads in English, French and Croatian. He is selective with food, the rhythm of sleep and wakefulness is occasionally unbalanced. He has difficulties establishing contacts, and when he does, it is only for short periods. He attended the Kinder Garden in Čilipi 4 hours per day, where he works with an assistant. He is now a student at the Elementary School Cavtat, Branch School Čilipi, where he also works with an assistant defectologist. He was examined by an expert team on 30 November 2011 and again on 28 October 2015 and has achieved the right to a personal disability monthly payment in the amount of 1.250,00 Kuna starting on 31 August 2011. Daniel Schlachter was born on 3 September 2009. The early psycho-motor development of the child was normal, he started sitting at the age of six months, walking when he was 13 months old, was breast-fed for the first three months, with the supplement food introduced at the age of six months. He learned reading at the age of three years and presently, according to the mother's words, he reads as a grown-up. The mother accentuates Daniel was very active as a baby boy; being for instance difficult to change and expressed his emotions in a very pronounced way. The little boy was vaccinated on a regular basis till the age of one year, when he received the last vaccine. When he was 8 months old, the parents noticed changes in the sense of stereotypy, an empty gaze. The little boy was closely examined at the Children's Hospital in Zagreb, where he was diagnosed with the communication, language and speech disorder, as well as with the ADHD. Daniel attends the Kinder Garden in Čilipi 4 hours per day. The eye contact with the boy is hard to establish. Emotionally, he is very warm and often asks for physical contact from his parents. He is constantly on the move, waving his hands, permanently changing activities. The attention and concentration are limited. According to the medicinal documentation, his psycho-motor development is at the lower border of below average values. However, the variability is found according to different developmental fields: his motor development is adequate for his age, his visual-motor abilities are below average for his age, his speech and language development is at the borderline, while at the social-communication abilities plan, an

important exception has been observed. The boy was examined by the First Instance Expert Body of the Social Welfare Centre in Dubrovnik and has achieved the right to a personal monthly financial support in the amount of 1.250,00 Kuna, starting with the 6 November 2013. Calista Maria Schlachter was born on 7 December 2011. The psycho-motor development of the little girl is in conformance with her age. She attends the Kinder Garden in Čilipi and is completely adapted. The family lives in a rented house which costs them 3.000,00 Kuna per month. The house consists of a ground-floor and an upper floor. It features 4 bedrooms, a living room, a kitchen, 2 pantries, a cabinet and 2 bathrooms. The space has been well maintained and meets all living requirements. It is furnished with all necessary furniture and household appliances. The house is situated in a village, in the vicinity of a secondary road. The Centre is conducting a supervision aiming at the protection of the interest and the rights of the minor children in relation to a suspicion of endangering the health of the minor children Filip and Daniel by the parents who supposedly treat them with the solution MMS, which wasn't ordered by the MD. As from previous contacts with the family, there are no indicators that the parents neglect, abuse or endanger their children. They take them regularly for medical checkups as well as to their Paediatrician Nada Marković. The monitoring will be continued.

According to the study made by the Centre for Forensic Science, Research and Expertise "Ivan Vučetić No. 511-01-114/2-1326/16 from 22 March 2016, the pills "Kontil" (48 pieces) contain Anthelmintic (pirantel pamoat) as an active ingredient. Pirantel is a derivative of tetrahydropyrimidine which causes spasmodic paralysis of parasites and is efficient against mature parasites and larvae. This medicine is intended for the treatment of adults and children. The undesirable effects are weak and temporary, and mostly include gastrointestinal discomfort. The pills "Vermox" (35 pills) contain Anthelmintic Mebendazole as an active ingredient. Mebendazole is a medicine of a large antiparasitic spectrum. It is effective against eggs, larvae and mature forms of intestinal parasites. It is intended for the treatment of the adults and children. Undesirable effects are rare, and can include gastrointestinal discomfort.

According to the expertise of the Croatian Institute for Public Health from 17 May 2016, the sample of "AQUARIUS" PROLIFE, Maltesian Mineral No 1, CLASSIC, 1 NaClO<sub>2</sub> + CCL – Activator, 2 x 100 mL, is prepared following the producer's instructions to be used as water for human consumption. The obtained results of the analysis demonstrate that the concentration of the Chlorite (ClO<sub>2</sub>) is <0,01 mg/L and the concentration of the Chlorate (ClO<sub>3</sub>) <0,1 mg/L and thus at the beginning of the analysis, after an hour, after 3 hours and finally after 24 hours, which is far below the maximally allowed concentration (MDK-0,4 mg/L) as prescribed by the Rule Book on parameters compliance and methods of analysis of water for human consumption. (National Gazette 125/13, 141/13). Namely, according to the producer's instructions, the chemical solution is prepared by pouring 1 drop of NaClO<sub>2</sub> and 1 drop of HCL activator in 150 ml of water (or 2 drops in the same proportion). The solution prepared that way contains the concentration of the Chlorite (ClO<sub>2</sub>-) -56 mg/L and the concentration of the Chlorate (ClO<sub>3</sub>-) -0,24 mg/L. Furthermore, according to the producer's instructions when preparing water for human consumption, it is necessary to take one drop of such prepared activated solution and dissolve it in 1-2 litres of water. The concentrations of such analysed solution in the beginning of the analysis, after an hour, after 3 hours and after one day approximately are: - <0,01 mg/L for the Chlorates and - <0,01 mg/L for the Chlorates, which is far below maximally approved concentrations (MDK-0,4 mg/L) as prescribed by the Rule Book on parameters compliance and methods of analysis of water for human consumption (National Gazette 125/13 and 141/13). Pursuant to the above presented and, as far as the product AQUARIUS Pro Life Maltesian Mineral Solution is used in conformance to the producer's instructions for the use of water for human consumption, there is no risk for the consumer with regard to the concentrations of the Chlorites and Chlorates, these being far below the maximally allowed concentrations (MDK -0,4 mg/L) as prescribed by the Rule Book on parameters compliance and methods of analysis of water for human consumption (National Gazette 125/13 and 141/13).

The following medical documentation has been analysed for the minor children Daniel, born in 2009, Filip, born in 2008 and Kalista Maria, born in 2011: the data from the medical records for the minor patient Filip running from 8 September 2015 to 4 February 2016; for the minor patient Daniel from 8 September 2015 to 7 January 2016; and for the minor Kalista Marie from 8 September 2015 to 15 December 2015, all recorded by the MD Nada Marković; 2 microbiological results of the Institute for Public Health of the

Dubrovnik and Neretva County from 14 January 2016 for the minor Filip; the medical certificate of the systematic exam of the minor Filip, performed on request of the parents on 27 January 2016; the result of the microbiological exam for the minor Filip made by the Institute for Public Health of the Dubrovnik and Neretva County from 7 January 2016; the results from the General Hospital in Dubrovnik from 4 February 2016 for the minor Filip; the certificate of the CHC Split on the appointment for a paediatric gastrointestinal exam of the minor Filip, scheduled for 4 May 2016; the result of the Specialized Microbiological Cabinet of Mr.Sci. MD Javorka Grbić-Leko from 28 January 2016; the results from the General Hospital in Dubrovnik for the minor Filip dated 8 February 2016; the result of the laboratory exam of the Health Care Institution Glavić from 4 February 2016 for the minor Filip.

Also taken in consideration was the result of the Paediatrician Gastroenterologist MD Vanda Žitko from 4 May 2016 stating the absence of GE symptoms with the minor Filip, a good growth on body weight and good nutritional status indicating there is no need for any invasive GE Treatment.

Also considered was the result and the opinion of the First Instance Expert Body with the Social Welfare Centre in Dubrovnik dated 30 November 2011 concerning the minor Filip; the Decision of the Social Welfare Centre in Dubrovnik from 24 January 2012; the Decision of the State Administration Office from 3 July 2015 for the minor Filip; the opinion on the psychophysical condition required for enrolling in the 1<sup>st</sup> Class of the elementary school; the opinion of the defectologist for the minor Filip from 7 May 2014; the record from the TV show “Provjereno”, broadcasted on 4 February 2016; the result and the opinion of the First Instance Expert Body with the Social Welfare Centre in Dubrovnik from 4 March concerning the minor Daniel; the expertise of the minor Filip by the Expertise Sector, Regional Office in Split from 28 October 2015.

Also read was the letter written by Mr. Sci. Barbara Brezac Benigar, Professor Rehabilitator, consisting of seventeen guidelines intended for the parents of children coping with autistic spectrum disorders as well as a letter from Barbara Brezac Benigar dated 16 February 2016.

Also reviewed was the record of the search of the home and other premises from 3 February 2016, the receipt of the temporary seizure of Objects No. 907293 from 3 February, the record on the search of the home on 3 February 2016, the receipt on the temporary seizure of Objects No. 907294 from 3 February 2016, receipt on the temporary seizure of Objects No. 907295 from 11 February 2016, the receipt on the temporary seizure of Objects No. 90726 from 11 February 2016, the record on the search of the home on 17 February 2016, all made by the Criminal Police Service.

According to the data of the Ministry of Justice from 30 May 2016, Helena and Roger Schlachter have never been convicted up to the present.

The criminal offences against the child’s rights from Article 177, Paragraph 2 of the Criminal Code are committed by the person who abuses of the child and forces him to excessive work or to work which doesn’t correspond to his age, to begging or encourages him to the behaviour that is detrimental to his development or in other way rudely violates the child’s rights.

The criminal offences of the violation of the secrecy of the proceedings from Article 307, Paragraph 2 of the Criminal Code are committed by the person who without the court’s permission publishes the course of the proceedings that are secret under the law or has been proclaimed secret by the court’s decision, or the person that without the permission of the court publishes the course of the procedure toward the child, the criminal proceedings for criminal offences committed on the child’s detriment or the procedure in which it is decided on the protection of the rights and the interest of the child or publishes the decision in that procedure.

Further to the above presented and pursuant to the expertise of the Croatian Institute for Public Health on the use of the product Aquarius pro life Maltesian Mineral Solution in conformance with the instructions of the producer as water for human consumption, there is no danger for the consumer given the concentrations of the chlorites and chlorates are below the maximally approved concentrations, it results from

the reviewed medical documentation that no health disorders have been observed at the children that could indicate to the use of the product Aquarius pro life Maltesian Mineral Solution contrary to the instructions of the producer. According to the data provided by the Social Welfare Centre in Dubrovnik, no indications have been observed that the parents neglect, abuse or endanger their children. According to the witness testimony of the Paediatrician MD Nada Marković, the cooperation with the parents has been good ever since the children Schlachter have become her patients, they being conscientious parents. Other interviewed persons have no information that would indicate the minor children Daniel, Filip and Kalista Maria would be neglected or abused. The children have been under doctor's control. Filip attends school, while Daniel and Kalista Maria attend kinder garden. The Social Welfare Centre in Dubrovnik has been informed on the family situation and has been conducting measures from its competence. It cannot, therefore, be established as reasonably possible that Helena Schlachter and Roger Schlachter committed Criminal Offences from Article 177, Paragraph 2 of the Criminal Code, or in other words, the data relating to the criminal offences and their perpetrators don't provide grounds for raising indictment and, therefore, the police Criminal Charges were rejected pursuant to Article 206, Paragraph 1, Point 4 of the Law on Criminal Procedure.

It has, therefore, been decided as in the dictum.

DEPUTY STATE'S ATTORNEY  
FOR THE YOUTH

Marija Kiriđija

#### LEGAL REMEDY

Pursuant to Article 55, Paragraph 2 of the Law on Criminal Procedure, the injured party can, if considering this decision as not established in law, undertake prosecution against the suspects Helena Schlachter and Roger Schlachter for criminal offences from Article 177, Paragraph 2 of the Criminal Code within 8 days upon the receipt of this Decision

To make the prosecution possible in conformance with Article 55, Paragraph 5 of the Law on Criminal Procedure, I am providing you with the following guidelines:

Before raising indictment against the suspects Helene Schlachter and Roger Schlachter for Criminal Offences from Article 177, Paragraph 2 of the Criminal Code before the competent Municipal Court in Dubrovnik, I inform you, in conformance with Article 55, Paragraph 5 of the Law on Criminal Procedure, of your right to inspect the file of this State's Attorney and to propose to the investigation judge of the County Court in Dubrovnik the conduct of evidentiary actions. The proposal of conducting evidentiary actions must contain the name of the State's Attorney that has made the decision on the rejection of criminal charges and the reference mark of that decision, the description of the act bearing the characteristics of a criminal offence, the legal name of the offence, a short description of the circumstances indicating to a justified suspicion that the suspects committed criminal offences, and finally suggested evidentiary actions to be performed.

#### TO BE DELIVERED TO:

- Helena Schlachter, Bistruč 16, Čilipi
- Roger Schlachter, Bistruč 16, Čilipi
- Attorney Željko Vidović, Dr. A, Starčevića 20, Dubrovnik
- Attorney Vedrana Belin, Sv. Križa 3, Dubrovnik
- Social Welfare Centre Dubrovnik
- Criminal Police Service, Ref. K-9/16

