



**THE REPUBLIC OF CROATIA
THE MINISTRY OF JUSTICE**

EU AND INTERNATIONAL COOPERATION DIRECTORATE
DEPARTMENT FOR COOPERATION WITH
INTERNATIONAL AND OTHER COURTS

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Class: 018-04/12-04/09

Reg. Number: 514-06-03-03-12-2

Zagreb, 09 October 2012

**INTERNATIONAL CRIMINAL COURT
Assembly of States Parties
to the Rome Statute of the ICC**

**Information
relevant to promotion and the ratification
and full implementation of the Rome Statute**

- (i) For the Republic of Croatia there were no obstacles to ratification or full implementation of the Rome Statute. The Croatian Parliament enacted the Act on the Ratification of the Rome Statute of the International Criminal Court on 28 March 2001.
- (ii) The Republic of Croatia as a candidate country for the European Union membership accepts and supports EU positions and activities in connection with the International Criminal Court.

The Republic of Croatia supports the integrity, independence and efficient functioning of the ICC at the level of individual Committees and the General Assembly of the United Nations. Croatia also co-sponsored and participated in the drafting of thematic resolutions of the UN General Assembly, which positively refer to the role of the ICC as an instrument for the promotion of international peace and security.

- (iii) At this point of time special technical and other forms of assistance connected with the application of the Rome Statute are not necessary for the Republic of Croatia. However, the Republic of Croatia, if the need for such assistance emerges in the future, or if the International Criminal Court believes that such assistance is necessary for the Republic of Croatia, will consider every form of technical or

other assistance which can contribute to the furthering of the relations between the International Criminal Court and member states.

- (iv) In the forthcoming period the Republic of Croatia will continue to fully co-operate with the International Criminal Court and the representatives of the Republic of Croatia will be attending all activities of the Court.
- (v) As the examples of the implementing legislation for the Rome Statute, we would like to mention a special Act on the Application of the Statute of the International Criminal Court and Prosecution of Criminal Offences against International War and Humanitarian Law (The Official Gazette, no. 105/04) and its amendments as well as amendments to the Criminal Code of the Republic of Croatia.
- (vi) Republic of Croatia ratified the Agreement on Privileges and Immunities of the International Criminal Court in 2004 (The Act on Ratification was published in the Official Gazette, International Agreements, no. 10/2004).
- (vii) The Republic of Croatia did not have any constitutional obstacles for the ratification of the Rome Statute.
- (viii) National contact point for matters related to promotion of ratification and full implementation of the Rome Statute is the Office for the Co-Operation with the International and other Courts in the Ministry of Justice of Republic of Croatia.

- Implementing legislation questionnaire for States Parties -

1. Has your government adopted any national legislation implementing the Rome Statute?

- **Yes.** The Government of Republic of Croatia adopted national legislation implementing the Rome Statute.
- The Croatian Parliament enacted the **Act on the Ratification of the Rome Statute of the International Criminal Court on 28 March 2001** (The Act on Ratification was published in The Official Gazette – International Agreements No. 5/2001)
- in 2003 a special **Act on the Application of the Statute of the International Criminal Court and Prosecution of Criminal Offences against International War and Humanitarian Law** (The Official Gazette, no105/04) was enacted, as well as its amendments in 2004 and 2011
- As a key importance for the application of the Rome Statute, Republic of Croatia made amendments to the national Criminal Code

5. In implementing the Statute, did your Government draft a stand-alone legislation or did it incorporate the articles or substantive provisions of the Statute into pre-existing law?

- Government of Republic of Croatia **drafted special implementing legislation but also made some amendments to the pre-existing law (for example to the national Criminal Code)**

6. Does the implementing legislation incorporate the substantive crimes through reference to the Statute or by incorporating the crimes into domestic law?

- Entire Rome Statute is incorporated in the Act on the Ratification of the Rome Statute of the International Criminal Court
- Act on the Application of the Statute of the International Criminal Court and Prosecution of Criminal Offences against International War and Humanitarian Law includes reference to the Statute and to the Criminal Code

7. Does the implementing legislation fully incorporate the following aspects of cooperation with the Court and if yes, how?

- (a) **Arrest and surrender;**
- (b) **Interim release;**
- (c) **Cooperation with OTP investigations;**
- (d) **Cooperation with the Court on the identification, tracing and freezing or seizure of proceeds, property and assets and instrumentalities of crimes;**
- (e) **Enforcement of sentences;**

(f) Other forms of cooperation (see in particular article 93 of the Rome Statute).

- Yes, the implementing legislation fully incorporate all aspects of cooperation through enacted Act on the Ratification of the Rome Statute of the International Criminal Court, Act on the Application of the Statute of the International Criminal Court and Prosecution of Criminal Offences against International War and Humanitarian Law and the Criminal Code

8. Does the implementing legislation designate a channel of communication with the Court?

- Yes, the implementing legislation designate a channel of communication with the ICC
- By the Act on the Ratification of the Rome Statute of the International Criminal Court the Ministry of Justice is designated as the central body competent for the implementation of the Rome Statute
- The Act on the Application of the Statute of the International Criminal Court and Prosecution of Criminal Offences against International War and Humanitarian Law determines, *inter alia*, the competence for the co-operation of the Republic of Croatia with the International Criminal Court and the execution of decisions of the Court.

Yours sincerely,

ASSISSTANT MINISTER

Gordan Markotić

