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

**Information of the Republic of Croatia**  
**on the ratification and implementation of the Rome Statute**  
**in accordance with the Resolution of the Assembly of States Parties**  
**ICC-ASP/5/res. 3 of 1 December 2006**

(i) The Republic of Croatia already at the very beginning accepted and supported both the idea and the activities of the UN aimed at the establishment of a permanent International Criminal Court. The Republic of Croatia has been a party to the Rome Statute of the International Criminal Court since 2002. 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). The document on ratification was deposited with the Secretary General of the United Nations on 22 May of the same year. By this act the Republic of Croatia, which was the first state of the South East Europe to ratify the Rome Statute, became one of the circle of original parties to the Statute, for which the Statute entered into force on 1 July 2002. By its early ratification of the Rome Statute, Croatia offered strong political and formal support for the soonest possible founding and beginning of the work of the Court. The Republic of Croatia did not have any constitutional obstacles to the ratification of the Rome Statute;

(ii) The Republic of Croatia has participated from the very beginning in all regional conferences aimed at encouraging ratification of the Rome Statute, providing the soonest possible beginning of the work of the Court and considering the preconditions for the implementation of the Rome Statute and models of implementation legislation. In December 2001 a regional conference entitled: "The International Criminal Court and Implementation of

the Rome Statute in the Stability Pact States” was held in Zagreb, organized by the Croatian Law Centre, at which representatives of competent ministries and recognized experts in international criminal law from the states of South East Europe participated.

Deeming that one can prevent the perpetrators of the most serious criminal offences, affecting the international community as a whole, remaining unpunished, only by universal application of the Rome Statute, the Republic of Croatia has been advocating, in its diplomatic activities, for all the state parties to the Rome Statute to ensure its full implementation in their national legislations and to create adequate mechanisms by which cooperation between the state parties and the Court will be ensured.

In this sense, also, as a candidate country for EU membership, Croatia has been continuously supporting the EU’s common positions and statements in connection with the International Criminal Court and the cooperation with the International Criminal Court is one of the points in the National Plan for the Accession to the European Union for 2008.

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. In several cases it 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) Special technical and other forms of assistance connected with the application of the Statute of the ICC are not necessary for now 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 accept every form of technical or other assistance which can contribute to the furthering of the relations between the International Criminal Court and member states. One of such forms of possible assistance could be the training of young experts in the justice system, in particular in the public prosecution service, at the Office of the Prosecutor of the International Criminal Court.

(iv) As regards the activities and planned events in the forthcoming period, the priorities of the Republic of Croatia continue to be the realization of full cooperation with the International Criminal Court and active participation in the activities of the Court.

The Republic of Croatia has been actively participating through its representatives in all activities organized by the ICC for the state parties to the Rome Statute, and accordingly, in 2005 it was re-elected as one of the members of the Bureau of the Assembly of States Parties.

Croatia participates regularly in the work of working groups of the Assembly of States Parties, which meet in the period between the sessions of the Assembly in New York and The Hague, and the ambassador the Republic of Croatia to the Kingdom of Netherlands Mr. Frane Krnić is a member of the Special Working Group on the Crime of Aggression.

The Croatian delegation will participate in the work of the Sixth Session of the Assembly of States Parties to the Rome Statute of the ICC in New York on 30 November – 14 December 2007.

In addition to trying to start and participate in the drafting of thematic resolutions of the UN General Assembly, which positively refer to the role of the ICC, Croatia will provide support to the debates on the work of the ICC and its role in the promotion of peace and security and in the work of other bodies of the UN.

Through its national policy, Croatia has been persistently advocating the strengthening of international criminal law in general. In the field of foreign policy, Croatia will continue to

support the work and efficient functioning of the Court and persist in its full cooperation with the ICC, in line with the obligations undertaken under international law.

(v) Regarding the most important laws by which fulfilment of the obligations undertaken by the provisions of the Rome Statute has been ensured, we mention that 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, which, *inter alia*, determines the competence for the cooperation procedure by the Republic of Croatia with the International Criminal Court and the execution of decisions of the Court, as well as the jurisdiction of Croatian courts and other bodies for criminal prosecution and conduct of criminal proceedings against the perpetrators of war crimes.

Furthermore, the Criminal Code with its amendments (Official Gazette, nos. 10/97, 27/98, 50/00, 129/00, 51/01, 111/03, 190/03, 105/04, 84/05, 71/06) is of key importance for the application of the Rome Statute, in particular the amendments enacted in 2004, as well as the Witness Protection Act enacted in 2003 (Official Gazette, no. 163/03).

By the enactment of new and amendments to the existing national criminal legislation, the Republic of Croatia provided the necessary legal framework for the efficient application of the Rome Statute and the realization of full cooperation between Croatia and the International Criminal Court, and complementary activities between the national criminal courts and the International Criminal Court. Accordingly, for example, the 2004 amendments to the Criminal Code of the RoC introduced the institution of command responsibility through the new Article 167a.; new criminal offences were introduced: crime against humanity (Art. 157.a) and recruitment of mercenaries (Art. 167.b), and necessary changes of the text were made for the criminal offence of war crimes against a civilian population (Art. 158). The 2006 amendments added a new paragraph 36 to Art. 89 which defines hate crime, and the same amendments entirely changed the legal text of the criminal offence of disclosing the identity of a protected witness (Art. 305.a).

Also, with a view to the most efficient application of the Rome Statute, on 3 October 2007 the Croatian Parliament enacted an amendment to the provision in the general part of the Criminal Code which protects the principle „*ne bis in idem*“. Article 15, Paragraph 2 of the Criminal Code so amended now reads: “Exceptionally, if a final judgement of a Contracting State of the Convention on the Implementation of the Schengen Agreement according to which punishment was served, or serving is pending, or serving is not possible pursuant to the Act on the Execution of Prison Sentences, relates to a criminal offence committed by an act on the territory of that state, criminal proceedings in the RoC cannot be instituted either by the approval of the Public Prosecutor of the RoC.” This amendment will begin to be applied at the moment when the RoC becomes a full member of the EU;

(vi) In connection with bilateral agreements on cooperation between the International Criminal Court and member states, the possibility is being intensively considered in the Republic of Croatia of signing a bilateral Agreement on the Enforcement of Sentences of the International Criminal Court as well as a bilateral Witness Relocation Agreement.

The Republic of Croatia has demonstrated its support for the normal work of the Court to be enabled also by the ratification of 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) As has already been pointed out, the Republic of Croatia did not have any constitutional obstacles for the ratification of the Statute. In the process of meeting internal legal requirements for the ratification of the Statute it was not necessary to make any amendments to the Constitution of the Republic of Croatia. Within the meaning of Article 9, Paragraph 2 of the Constitution of the Republic of Croatia, a citizen of the Republic of Croatia may not be extradited to another state, but there is no constitutional obstacle to the surrender of Croatian citizens to the International Criminal Court. Therefore, the Republic of Croatia was able to ratify the Rome Statute without constitutional amendments, which in Article 102 distinguishes between surrender and extradition;

(viii) By the Act on the Ratification of the Rome Statute of the International Criminal Court and the Act on the Application of the Statute of the International Criminal Court and Prosecution for Criminal Offences against International Humanitarian Law, the Ministry of Justice – Directorate for Cooperation with International Criminal Courts is designated as the central body competent for the implementation of the Rome Statute and cooperation with the International Criminal Court. On 19 July 2004 Croatia made a declaration according to which the communication between the Court and the Ministry of Justice - Directorate for Cooperation with International Criminal Courts is carried out through diplomatic channels.

In May 2007, the President of the International Criminal Court, Mr. Philippe Kirsch was on his first official visit to the Republic of Croatia. He met with the highest officials of the RoC, who reemphasised once again the excellent cooperation between Croatia and the Court.

Yours sincerely,



Assistant Minister

Gordan Markotić