I. GENERAL PROVISIONS

AREA OF APPLICATION

Article 1

This Law shall regulate the implementation of the Statute of the International Criminal Court which the Republic of Croatia has ratified by adopting the Law on the Ratification of the Rome Statute of the International Court (Official Gazette - International Treaties, No. 5/2001), the cooperation of the Republic of Croatia with the International Criminal Court, and the specific prosecutions of criminal offences prescribed by the Article 5 of the Statute, criminal offences against the values protected by the international law referred to in Articles 156 - 168, 187, 187a and 187b of the Penal Code (Official Gazette, No. 110/97, 27/98, 129/00, 51/01 and 111/03), and other crimes under the jurisdiction of the international criminal courts, as well as the prosecution of criminal offences against the international justice.

DEFINITION OF TERMS USED IN THE LAW

Article 2

In this Law the following terms shall have the following meanings:

– International Criminal Court: the court established under the Statue of the International Criminal Court adopted in Rome on 17th July 1998,

– The Statute: the Statute of the International Criminal Court which the Republic of Croatia has ratified by adopting the Law on Ratification of the Rome Statue of the International Court,


– The Prosecutor: the Prosecutor of the International Criminal Court is prescribed under the Article 42 of the Statute.

THE AUTHORITY COMPETENT FOR THE PERFORMANCE OF COOPERATION AND ENSURING OF IMPLEMENTATION OF THE DECISION OF THE INTERNATIONAL CRIMINAL COURT DECISION

Article 3

(1) Unless otherwise provided in this Law, the Government of the Republic of Croatia (hereinafter: the Government) shall coordinate and perform the cooperation and ensure the implementation of the decisions of the International Criminal Court.

(2) If according to the Constitution and the law on performance of certain affairs an exclusive competence of certain state authority exists or if it is obvious that another state authority will be more expeditious in dealing with a specific request for co-operation, the request for cooperation, i.e. decision of the International Criminal Court to be implemented shall be forwarded by the Government to that authority for further procedure.

(3) The competent state authorities shall deal with matters concerning co-operation and implementation of the decisions of the International Criminal Court expeditiously and without
delay and report thereon to the Government. The request of the International Criminal Court for the performance of certain co-operation may be rejected only for the reasons referred to in the Statute (Article 93 paragraph 3, Article 94 paragraph 4 and Article 98 paragraph 1 of the Statute).

(4) Through an ordinance the Government can establish bodies in charge of co-operation and implementation of the decisions within their competence, or it can take certain actions to this effect through the State Attorney’s Office.

(5) The actual and local jurisdiction of courts and other state authorities in matters concerning co-operation and implementation of the decisions of the International Criminal Court shall be defined according to the rules applicable for determination of jurisdiction in criminal proceedings or in another procedure dealing with a case in question, unless otherwise provided by this Law.

REPRESENTATION BEFORE INTERNATIONAL CRIMINAL COURT

Article 4
In cases where the Republic of Croatia acts before the International Criminal Court to protect its rights and interests or the interests of its citizens, the Republic of Croatia, subject to the decision of the Government of the Republic of Croatia, shall be represented by the State Attorney General or another adequately qualified and experienced person.

COMMUNICATION WITH THE INTERNATIONAL CRIMINAL COURT

Article 5
(1) Unless otherwise decided by the Government, the state authorities shall communicate with the International Criminal Court through the Government in the Croatian language or in one of the official languages of the International Criminal Court.

(2) Communication between the Government and the International Criminal Court shall be conducted through diplomatic channels. In case of emergency or for a justified reason such communication can also be conducted through direct contacts.

(3) If not in contravention of the law and the purpose and intent of the foregoing paragraphs 1 and 2 of this Article, the communication in specific matters can also be conducted via Interpol, with the Government to be with no delay notified on such cases.

(4) The Government can in any case require that such communication be conducted as provided in paragraph 2 of this Article.

APPLICATION OF NATIONAL LEGISLATION

Article 6
(1) The state authorities competent for co-operation and implementation of decisions of the International Criminal Court shall act in compliance with the Croatian law.

(2) The Law and other regulations of the Republic of Croatia applicable to the co-operation with the International Criminal Court shall be construed and applied in a way corresponding with the purpose and intent of the Statute of the International Criminal Court.

(3) Legal regulations on immunities and privileges shall not apply in procedures involving the criminal offences referred to in Article 1 of this Law.

INFORMATION RELEVANT FOR INVESTIGATION AND PROSECUTION OF
CRIMINAL OFFENCES REFERRED TO IN ARTICLE 1 OF THIS LAW AND THE INFORMATION OF HISTORIC RELEVANCE

Article 7

(1) Legal and natural persons are obligated to deliver to the competent state authorities any data, documents, recordings or objects which may be relevant in investigating and prosecuting of criminal offences referred to in Article 1 of this Law.

(2) Beside that, legal and natural persons are obligated to deliver appropriate data, documents, recordings and objects which may be relevant for determining of historic truth of war and war casualties to the competent state authority and other institutions which deal with the collection of historic materials about the war and war casualties.

(3) In default of a law providing to which institutions or other institution the data, documents, recordings and objects referred to in paragraph 2 of this Article shall be delivered, the Government can designate the competent state authority or institution by an act of ordinance.

PROTECTION OF WITNESS, VICTIMS AND OTHER PERSONS

Article 8

(1) In the procedure against the perpetrators of criminal offences referred to in Article 1 of this Law and in the course of co-operation with the International Criminal Court the highest standards of the protection of and respect for the dignity of witnesses, victims and their families shall be applied under a special law.

(2) Special legal protection, as required, shall be enjoyed by judges, state attorneys and other persons involved in the procedures against the perpetrators of criminal offences referred to in Article 1 of this Law and the performance of the co-operation with the International Criminal Court in the manner prescribed for the highest judiciary officials.

URGENCY

Article 9

Courts and other state bodies shall act with particular urgency when dealing in procedures against perpetrators of the criminal offences referred to in Article 1 of this Law and in co-operation with the International Criminal Court, but not to the detriment of legality and regularity.

II. PROSECUTION IN REPUBLIC OF CROATIA

JURISDICTION OF THE CROATIAN COURTS AND OTHER AUTHORITIES

Article 10

(1) The perpetrators of the criminal offences referred to in Article 1 of this Law committed in the Republic of Croatia, perpetrators which are the nationals of the Republic of Croatia and perpetrators whose victims are nationals of the Republic of Croatia shall be prosecuted in the Republic of Croatia and shall be brought before a competent Croatian court.

(2) In addition to the perpetrators referred to in paragraph 1 of this Article, other perpetrators shall also be prosecuted in the Republic of Croatia regardless of the place where they were committed or the nationality of the perpetrator if the perpetrator is arrested in the Republic of Croatia or extradited to the Republic of Croatia and the criminal procedure has not been conducted before the International Criminal Court or before a court of another state,
or the conditions for the conducting of procedure against the perpetrator before the International Criminal Court, court of the state in which the criminal offence was committed, court of the state whose national is the perpetrator or any other court competent and before which it may be expected the conducting of fair trial do not exists.

(3) In cases referred to in paragraph 2 of this Article or if the procedure was conducted in other state contrary to the internationally accepted standards of the fair trial, the criminal procedure may be instituted against the perpetrator with the approval of the State Attorney General.

(4) Except as referred to in paragraph 1 of this Article, no criminal prosecution shall be instituted in the Republic of Croatia if the procedure is already being conducted before the International Criminal Court. In that case the Republic of Croatia shall refer the criminal prosecution to the International Criminal Court in accordance with the Statute and this Law.

APPLICATION OF CRIMINAL PROCEDURE REGULATION

Article 11
Unless otherwise provided by this Law, applicable in the criminal procedure against the perpetrators referred to in Article 1 of this Law shall be the provision of the Criminal Procedure Act and other relevant criminal procedure regulations.

COMPETENCY OF NATIONAL COURTS

Article 12
(1) For the conducting of criminal procedure for the criminal offences referred to in Article 1 of this Law, along with the courts that have the local jurisdiction according to the general regulations, the County courts in Osijek, Rijeka, Split and Zagreb also have the territorial jurisdiction.

(2) The procedure shall be conducted under the actual and local jurisdiction of the competent court referred to in paragraph 1 of this Article before which the state attorney shall institute the procedure. Before the instituting of procedure before of a county court referred to in paragraph 1 of this Article that does not have the local jurisdiction according to the general regulations, the State Attorney General shall ask the approval of the President of the Supreme Court of the Republic of Croatia. President of the Supreme Court of the Republic of Croatia shall give such an approval when deemed appropriate to the circumstances of the criminal offence and procedural needs.

(3) Upon the well founded proposal of the State Attorney General, the President of the Supreme Court of the Republic of Croatia may approve that the conducting of procedure, when deemed appropriate to the circumstance of the criminal offence and procedural needs, shall be transferred to another competent court.

SPECIAL PROVISIONS ON THE INTERNAL ORGANIZATION OF COURTS

Article 13
(1) Investigation of criminal offences referred to in Article 2 of this Law at the County Courts in Osijek, Rijeka, Split and Zagreb shall be conducted by special investigation departments. Investigation departments shall be composed of judges particularly experienced and skilful in investigating the most serous and complex criminal offences, and of graduated crime experts (Article 192 paragraph 4 of the Criminal Procedure Act). If permitted by the
number and complexity of cases handled and if decided by the presiding judge, the judges engaged in a special investigation department may also handle investigations in other procedures.

(2) The county court chambers before which the proceedings in the cases of criminal offences referred to in Article 1 of this Law are heard shall be composed of three judges from judges particularly experienced in handling with the highly complex cases.

(3) The judges referred to in the foregoing paragraphs 1 and 2 of this Article, shall be appointed by the presiding judge for a term of office of four years to serve within the special investigation department or the group of judges for conducting trials against the accused for the criminal offences referred to in Article 1 of this Law. The crime experts referred to in paragraph 1 of this Article shall be appointed for a term of four years by the president of the court upon the proposal of the head of the special investigation department.

(4) In case when the territorially competent court lacks a sufficient number of judges who meet the criteria of paragraph 2 of this Article, the President of the Supreme Court of the Republic of Croatia may for the needs of the case in question designate a judge from another county court.

COMPETENCE OF STATE ATTORNEY

Article 14

(1) The State Attorney General of the Republic of Croatia shall, upon the prior opinion of the minister competent for the judiciary and the board meeting of State Attorney's Office of the Republic of Croatia, appoint one of his deputies as the State Attorney for the prosecution of criminal offences referred to in Article 1 of this Law (hereinafter: State Attorney for the prosecution of war crimes) for the period of four years, and who shall coordinate and direct the criminal prosecution of perpetrators and the work of competent stated attorneys and the Ministry of interior's department competent for the war crimes.

(2) In the proceedings for the criminal offences referred to in Article 1 of this Law the competent state attorney is the one who, according to the general regulation, acts before the locally competent county court, unless the State Attorney General of the Republic of Croatia or the State Attorney for the prosecution of war crimes did not appoint any other State Attorney.

(3) The State Attorney for the prosecution of war crimes may, in any case, for the criminal offences referred to in Article 1 of this Law take all the necessary actions that are usually taken by the State Attorney according to the Criminal Procedure Act.

(4) The competent State Attorney shall direct the work of police authorities working on cases that under this Law fall within his competence.

POLICE ORGANIZATION

Article 15

(1) At the Ministry of the Interior a Department competent for the war crimes shall perform the activities connected to the investigating of criminal offences referred to in Article 1 of this Law and its perpetrators, and shall perform the activities of cooperation with the International Criminal court within the competence of police. The department consists of police officers with the appropriate experience within investigating of the most serious criminal offences.

(2) The police officers of the Department competent for the war crimes shall conduct field
investigations and take other necessary actions, and coordinate and direct the work of other police officers engaged in the investigations of criminal offences referred to in Article 1 of this Law and detention of perpetrators or in the cooperation with the International Criminal Court.

IMPLEMENTATION OF SPECIAL PROVISIONS

Article 16

In the investigation and criminal prosecution of the criminal offences referred to in Article 1 of this Law appropriately applied shall be the following provisions of the Law on the Office for the prevention of corruption and organized crime («Official Gazette«, No. 88/01 and 12/02):

1. Article 28 with regard to the duration of detention and custody,
2. Article 29 - 38 with regard to interrogation of participants of the criminal offence as witnesses,
3. Article 39 with regard to summoning and taking statements of the citizens being taken by the competent state attorney.

III. NOTIFICATION TO THE PROSECUTOR AND PROCEDURES UPON THE PROSECUTOR'S NOTIFICATION

NOTIFICATION TO THE PROSECUTOR

Article 17

(1) When state authorities, legal and natural persons have the knowledge of a criminal offence being committed within the jurisdiction of the International Criminal Court, irrespective of the place where it was committed, and other than a crime already being prosecuted in the Republic of Croatia, before the International Criminal Court or competent court of another state, shall notify thereof the competent state attorney.

(2) The competent state attorney shall, provided that the requirements under the Criminal Procedure Act are met, take necessary steps and institute the criminal proceeding.

(3) If for actual or legal reasons such criminal proceeding may not be initiated in the Republic of Croatia, the State Attorney General shall notify thereof the Government which in turn, in accordance with Article 14 of the Statute, may notify the Prosecutor.

NOTIFICATION BY THE PROSECUTOR

Article 18

(1) When the Prosecutor notifies the Republic of Croatia that there would be a reasonable basis to commence an investigation for a criminal offence referred to in Article 5 of the Statute and that the competent authorities of the Republic of Croatia may exercise jurisdiction over the criminal offense concerned, the Government shall notify thereon the State Attorney General.

(2) If the notification referred to in paragraph 1 of this Article is confidential, its content shall be treated as an official secret by any state authorities or persons to which or to whom this content has been brought to notice.
ACTION OF THE STATE ATTORNEYS AND OTHER COMPETENT STATE AUTHORITIES

Article 19

(1) Upon receipt of the notification referred to in Article 18 paragraph 1 of this Law, the State Attorney General of the Republic of Croatia and other competent state authorities, unless a legal proceedings to this effect is already under way in the Republic of Croatia, shall according to the law take urgent action to determine if there is a reasonable basis that the particular person committed a criminal offence referred to in Article 5 of the Statute and conduct necessary investigation and report without delay to the Government on the action thus taken.

(2) Within one month as of the receipt of the notification the Government shall notify the Prosecutor if the criminal prosecution is under way in the Republic of Croatia.

(3) If the criminal prosecution has been commenced in the Republic of Croatia, the Government may request the International Criminal Court to have case investigation referred to it.

(4) If the Pre-Trial Chamber of the International Criminal Court, in spite of the readiness to conduct criminal proceedings in the Republic of Croatia, authorizes the Prosecutor to commence investigation, the Republic of Croatia may file a complaint in accordance with the Statute and the Rules of Procedure and Evidence.

(5) The State Attorney General shall regularly report to the Government on actions taken and procedures conducted and the Government shall pass on such information to the Prosecutor, if necessary or upon its request.

IV. LEGAL CONSEQUENCES OF PROCEEDINGS BEFORE THE INTERNATIONAL CRIMINAL COURT

NE BIS IN IDEM

Article 20

(1) The accused person whose guilt has been decided on by the international Criminal Court may not be tried for the same criminal offence in the Republic of Croatia, nor can a previous national judgment in the same matter be enforced.

(2) At the request of the State Attorney or the accused who has been tried by the International Criminal Court, the judgment of a court in the Republic of Croatia concerning the same criminal offence shall be altered through appropriate implementation of the provisions of the Criminal Procedure Act related to the alteration of judgment in accordance with the rules on the renewal of proceedings.

NO PARALLEL TRIAL

Article 21

(1) No criminal proceedings may be conducted against the same accused person for the same criminal offence simultaneously in the Republic of Croatia and before the International Criminal Court.

(2) When proceedings against the person accused are under way before a court in Croatia, and the International Criminal Court institutes criminal proceedings against the same person for the same criminal offence, the proceedings before the court in Croatia will be suspended upon the surrender of the person accused to the International Criminal Court or when this
person otherwise appears before that Court.

(3) When the International Criminal Court commences the proceedings, no proceedings shall be instituted in the Republic of Croatia against the same accused person for the same criminal offence.

(4) If the judgment of a court in the Republic of Croatia has become final, it shall not be enforced, and if the enforcement is under way, it shall be suspended as of the surrender of the person accused to the International Criminal Court, in accordance with the provisions of the Statute.

(5) In the course of suspension of the proceedings before a court in the Republic of Croatia or the suspension of the enforcement neither statute of limitation nor the terms for carrying out of particular process activities shall apply.

RESUMPTION OF PROCEEDINGS IN THE REPUBLIC OF CROATIA

Article 22

(1) The criminal proceedings conducted before the court in the Republic of Croatia and suspended to enable the proceedings before the International Criminal Court may be resumed before the competent court of the Republic of Croatia if the International Criminal Court has not decided on the guilt of the person accused for one or more criminal offences for which criminal proceedings were conducted in the Republic of Croatia. In this case a final judgment of the court in the Republic of Croatia may be enforced, or the suspended enforcement of the judgment continued, and the criminal prosecution that may have been prevented by the proceedings conducted before the International Criminal Court may be instituted.

(2) When the judgment of the International Criminal Court only includes some of the criminal offences for which there is a final judgment of a court in the Republic of Croatia, the court of the Republic of Croatia shall alter its sentence with regard to punishment, implementing on the appropriate manner the provisions of the Criminal Procedure Act related to the alteration of the judgment in accordance with the rules on the renewal of proceedings.

V. COOPERATION WITH INTERNATIONAL CRIMINAL COURT

PRINCIPLES OF COOPERATION

Article 23

(1) The Republic of Croatia shall fully cooperate with the International Criminal Court in accordance with the Article 93 of the Statute in investigations and criminal prosecution of criminal offences within its competence, proceeding in the manner prescribed in Article 3 hereof.

(2) The request for the cooperation sent by the International Criminal Court shall be confidential and its content may be disclosed when this is necessary for its fulfillment, or for other particularly important reasons.

(3) All government bodies of the Republic of Croatia shall act in good faith in the process of cooperation, guided by the Statute's goals and the purpose of each individual activity carried out.

(4) The competent government bodies shall also undertake the activities that the International Criminal Court has not expressly requested, if it appears that they are necessary in order to find the perpetrator and collect evidence for a trial before the International Criminal Court.
ATTENDANCE OF THE REPRESENTATIVE OF THE INTERNATIONAL CRIMINAL COURT

Article 24
Representatives of the International Criminal Court may at their request be allowed to attend the activities undertaken in compliance with the request for cooperation. In this case they shall be enabled to ask questions, make proposals and, if this will not affect the activity, to make optical and sound recording of the same.

SUSPENSION OF THE FULFILLMENT OF THE REQUEST OF THE INTERNATIONAL CRIMINAL COURT

Article 25
The Government may suspend the fulfillment of the request for the cooperation on account of the criminal proceedings conducted in the Republic of Croatia or on account of the objection raised concerning the permissibility of instituting or conducting the proceedings before the International Criminal Court (Article 94 and 95 of the Statute).

PERFORMANCE OF ACTIVITIES ON THE TERRITORY OF THE REPUBLIC OF CROATIA

Article 26
(1) International Criminal Court and the Prosecutor may perform individual activities in the territory of the Republic of Croatia with the prior consent of the Government.
(2) International Criminal Court shall in the course of activities referred to in paragraph 1 of this Article neither use the coercion nor restrict the constitutional rights of the citizens.

CONSULTATIONS

Article 27
When there are factual and legal reasons which might prevent or render more difficult the fulfillment of the request for the cooperation, particularly those referred to in Article 97 of the Statute, the competent state authority shall inform the Government with no delay which shall consult the International Criminal Court concerning the manner of resolving of the problem.

ASSIGNMENT OF PROCEEDINGS BY THE INTERNATIONAL CRIMINAL COURT

Article 28
(1) In the case when the International Criminal Court, in accordance with its Statute and the Rules on procedure and evidence assigns the criminal prosecution of particular case to the Republic of Croatia, the State Attorney shall undertake the criminal prosecution before the competent court taking as the foundation for the accusation the fact on which the indictment before the International Criminal Court was based.
(2) The proceedings in the Republic of Croatia shall be conducted with the implementation of national substantive criminal law and criminal procedure.
(3) Exceptionally, the State Attorney based on the evidence acquired from the International Criminal Court may set up the indictment without conducting of investigation
and the consent of the investigating judge.

(4) Evidence gathered by the bodies of the International Criminal Court may be used in the criminal proceedings in the Republic of Croatia subject to conditions that they were taken in the manner prescribed by the Statute and the Rules on procedure and evidence of the International Criminal Court and may be used before that Court. The existence or nonexistence of facts that need to be proved by the mentioned evidences the Croatian court shall evaluate in accordance with the Article 9 of the Criminal Procedure Act.

(5) The Government may enter into special agreement with the International Criminal Court that shall govern particular issues in the competence of the Government in the course of assignment of procedure.

(6) Representatives of the International Criminal Court shall be enabled to attend the proceedings in all its phases and shall be given all the necessary information with regard to the course of proceedings.

VI. ARREST AND SURRENDER OF ACCUSED
REQUEST FOR SURRENDER OF ACCUSED
Article 29

(1) Arrest and surrender of accused shall be performed based on a request for the surrender of accused of the International Criminal Court and shall be conducted according to the provisions of the Statute and this Law.

(2) The substantiated request for the surrender of the accused along with the enclosed information required to identify the accused shall be submitted by the International Criminal Court to the Government which shall send it to the competent State Attorney, and when necessary, to the police.

(3) In the surrender procedure the appropriate provisions of the Criminal Procedure Act shall be applied.

PARTIES AND MANDATORY DEFENSE
Article 30

(1) In the surrender procedure the parties shall be - the accused - person whose surrender is requested by the International Criminal Court and the State Attorney representing the request for the surrender.

(2) In the course of the surrender procedure, the accused must have a defense counsel appointed.

ARREST
Article 31

(1) The Government shall submit to the police, with no delay, the arrest warrant of the International Criminal Court.

(2) The police shall, acting under the request of the International Criminal Court arrest the accused - person whose arrest and surrender or temporary arrest or surrender has been requested by the International Criminal Court and shall with no delay bring the person before the investigating judge of the competent court for the execution of the surrender procedure. If the accused is on the run, the police shall conduct the necessary measures within their competence to find and arrest the person accused.
(3) If the accused is on the run, upon the proposal of the State Attorney, the investigating judge may, in addition to other measures necessary to find and arrest the accused, against the accused or the person referred to in Article 180 paragraph 2 of the Criminal Procedure Act order the measures referred to in Article 180 paragraph 1 items 1 - 4 of the same Act.

PROCEDURE BEFORE THE INVESTIGATION JUDGE

Article 32

(1) The competent investigation judge shall interrogate the accused about the matter, and if the judge establishes that this is the person whose arrest, temporary arrest or surrender was requested by the International Criminal Court, the judge shall order that this person be held in custody.

(2) The custody ordered by the investigation judge may have the maximum duration as the custody in the course of investigation in accordance with Article 16 of this Law.

(3) The investigation judge shall, at the time of interrogation establish whether the accused wants to surrender to the International Criminal Court and without the surrender procedure. In such a case a special document shall be drawn up in which the accused shall confirm that he/she wants to surrender to the International Criminal Court without the conducting of surrender procedure and that he/she waives all remedies which can be used in this procedure. In such a case the investigation judge shall decide on the need of custody in accordance with the provisions of the Criminal Procedure Act.

(4) Exceptionally, the accused may make a statement before the arrest took place before the competent state attorney, and a document referred to in paragraph 3 of this Article shall be drawn up, stating that the accused wants to voluntarily surrender to the International Criminal Court without the conducting of the surrender procedure. In such a case the State attorney may request the investigative judge to order the accused to be put in custody in accordance with the provisions of Criminal Procedure Act.

(5) The statement referred to in paragraphs 3 and 4 of this Article may not be revoked.

PROCEDURE BEFORE THE TRIAL CHAMBER

Article 33

(1) The county courts in Osijek, Rijeka, Split and Zagreb shall be authorized to decide on the surrender of the accused to the International Criminal Court.

(2) The chamber mentioned in the Article 13 paragraph 2 of this Law shall decide on the surrender.

INTERROGATION OF THE ACCUSED

Article 34

In the procedure conducted to decide on the request of the International Criminal Court for the surrender of the accused, the court shall inform the accused about the request and the charges against him/her and shall interrogate him/her about the criminal offences he/she is being charged with and about other circumstances which are important for deciding on the request of the International Criminal Court.

VOLUNTARY SURRENDER
Article 35

(1) In the course of the procedure the accused may give the statement on the record that he/she wants to voluntarily surrender to the International Criminal Court and that he/she waives all the legal remedies in the surrender procedure. Such a statement shall be irrevocable.

(2) In the case referred to in paragraph 1 hereof, the court shall approve the resolution to suspend the surrender procedure, and shall order the custody against the accused and inform the competent department of the Ministry of Interior accordingly in order to carry out the surrender.

DECISION ON THE REQUEST FOR SURRENDER

Article 36

(1) The court chamber shall bring the resolution in compliance with the request for surrender of the accused to the International Criminal court if it finds that the request is related to the person against whom the surrender procedure has been conducted and that the criminal offence in question is the offence for which the International Criminal Court is competent in accordance with its Statute, and that there are no impediments to the surrender in accordance with the Statue of the International Criminal Court.

(2) Otherwise, the court chamber shall bring the decision rejecting the request of the International Criminal Court. When the decision on the surrender has been finally rejected, the surrender procedure may be renewed by the implementation of the provisions of the Criminal Procedure Act with regard to renewal of procedure or based on the new request of the International Criminal Court.

(3) When the decision on surrender was brought, the custody may last until the surrender itself.

CONTROL OF DECISION ON SURRENDER

Article 37

The decision rejecting the request of the International Criminal Court for the surrender of the accused, by virtues of its official duty together with the case file shall be submitted to the Superior Court of the Republic of Croatia which shall, in a panel of five judges, consider the request and the first-instance decision, and shall issue a decision to confirm, repeal or alter the decision of the county court.

APPEAL TO THE DECISION ON SURRENDER

Article 38

(1) The State Attorney, the accused and his/her defense counsel are entitled within the period of eight days to appeal against the decision of the county court granting the request of the International Criminal Court to surrender the accused. The appeal shall stay the execution of the decision, and it shall be decided on by a panel of the Superior Court of the Republic of Croatia consisting of five judges.

(2) The provisions of the Criminal Procedure Act related to deciding on the appeal shall be applied accordingly to the procedure of deciding on appeal conducted by the panel of the Superior Court of the Republic of Croatia referred to in paragraph 1 above.
FINAL DECISION

Article 39
(1) A valid court decision granting the surrender of the accused to the International Criminal Court is final.
(2) It may be appealed against the decision granting the surrender of the accused to the International Criminal Court by means of a constitutional complaint filed with the Constitutional Court of the Republic of Croatia.
(3) The Minister competent for the judiciary affairs may temporarily postpone the surrender of the accused on the account of this person's illness or for other particularly justified reason.

SERVICE OF DECISION

Article 40
The valid and final decision granting the request of the International Criminal Court to surrender the accused shall be served through the Ministry competent for the judiciary affairs to the Government that shall then forward it to the International Criminal Court. The decision shall also be forwarded to the competent department of the Ministry of the Interior for the execution.

SURRENDER OF THE ACCUSED

Article 41
The surrender of the accused pursuant to the statement on the voluntary surrender or pursuant to the valid and final decision on the surrender shall be carried out by the Ministry of the Interior.

VII. ENFORCEMENT OF JUDGEMENT AND OTHER DECISIONS OF THE INTERNATIONAL CRIMINAL COURT

ENFORCEMENT OF JUDGEMENT AND OTHER DECISION OF THE INTERNATIONAL CRIMINAL COURT

Article 42
(1) The Republic of Croatia shall enforce the judgment and other decisions of the International Criminal Court by applying the Statute and other regulations of the International Criminal Court and the appropriate provisions of domestic law.
(2) The Republic of Croatia shall inform the International Criminal Court without delay about the actual and legal reasons preventing or restricting the enforcement of the judgment or other decision and shall consult the Court on the manner of further proceeding.

ADMISSION OF CONVICTED PERSONS

Article 43
The Republic of Croatia shall admit the convicted persons to serve their sentence in accordance with the special agreement concluded separately in each individual case.

VIII. PARTICIPATION OF THE REPUBLIC OF CROATIA IN THE WORK OF THE INTERNATIONAL CRIMINAL COURT
PARTICIPATION IN THE WORK OF THE ASSEMBLY OF STATES PARTIES AND OTHER BODIES OF THE COURT

Article 44
(1) The Government shall determine the representative of the Republic of Croatia at the Assembly of the States Parties.
(2) In addition to the representative mentioned in paragraph 1 above, one or more deputy representatives and experts in international criminal law may participate in the work of the Assembly.
(3) In accordance with the Statute and other documents of the International Criminal Court, the Government shall ensure appropriate participation of the representatives of the Republic of Croatia in the work of other bodies of the International Criminal Court.

ELECTIONS AND APPOINTMENTS IN THE INTERNATIONAL CRIMINAL COURT

Article 45
(1) In the procedure for the election or appointment of judges or other officials or staff of the Court, the Government shall publish an invitation to the eligible persons to apply within a defined period, if the election or appointment is carried out at the proposal of the States Parties and if the Government deems appropriate that the Republic of Croatia should propose a candidate.
(2) If it finds appropriate, the Government will also publish the information on the upcoming election or appointment in the International Criminal Court in case when the candidates are expected to apply to the International Criminal Court directly.
(3) In the case referred to in paragraph 1 above the Government shall conduct the procedure in such a manner so as to secure its transparency, the possibility for governmental and non-governmental professional and humanitarian bodies and organizations, and the application of the highest professional and moral criteria.
(4) In the case when the Statue or other document of the Court prescribes a special procedure for the election or appointment, the Government shall conduct the procedure in this manner, applying the appropriate provisions of the domestic law analogously.

FINANCING OF THE INTERNATIONAL CRIMINAL COURT

Article 46
(1) The Republic of Croatia shall allocate the fund for the financing of the International Criminal Court from its national budget in accordance with the provisions of the Statue and other general documents of the International Criminal Court.
(2) The expenses of legal aid and cooperation of the Republic of Croatia and the International Criminal Court shall be born by each party in accordance with the Article 100 of the Statute.
(3) The fulfillment of the financial obligations toward the International Criminal Court shall be the responsibility of the Government.

IX. TRANSITIONAL AND FINAL PROVISIONS

APPLICATION OF PROVISIONS OF THE LAW RELATED TO THE INTERNATIONAL CRIMINAL COURT
Article 47

The provisions of this Law related to the International Criminal Court and the cooperation with it, and the arrest and surrender of the accused shall be applied with regard to the criminal offences referred to in Article 5 of the Statute committed as of the entering into force of the Statute (1st July 2002).

APPLICATION OF PROVISIONS OF THIS LAW TO THE CRIMINAL OFFENCES REFERRED TO IN ARTICLE 1 OF THIS LAW

Article 48

(1) The provisions hereof related to detection and prosecution of criminal offences referred to in Article 1 of this Law in the Republic of Croatia and to the organization of government bodies (Article 7 - 16) shall be applied as of the date of entry of this Law into force, irrespectively of when the criminal offence was committed and whether the criminal proceedings before a competent court have been instituted.

(2) If upon the entry of this Law into force the investigation is already under way, it shall be completed pursuant to the provisions of the Criminal Procedure Act.

(3) If upon the entry of this Law into force the main hearing has not begun yet, or if a senior court acting on a remedy has repealed the decision issued in the first instance and has returned the case for re-trial, the main hearing and further proceedings shall be conducted pursuant to the provisions hereof before the courts competent and composed pursuant to this Law.

IMPLEMENTATION OF REGULATIONS OF THE INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA AND DOMESTIC REGULATIONS RELATED TO IT

Article 49

(1) The entry into force of this Law shall not effect the implementation of international law regulations related to the work of the International Criminal Tribunal for the Former Yugoslavia, the Constitutional Law on the Cooperation of the Republic of Croatia with the International Criminal Tribunal and the regulations based on it.

(2) The provision of Article 28 of this Law shall be applied in relation to the International Criminal Tribunal for the Former Yugoslavia, also.

ENTRY INTO FORCE OF THIS LAW

Article 50

This Law shall enter into force on the eight day as of the date of its publication in the Official Gazette.

Class: 004-01/03-01/04
Zagreb, 17th October 2003

CROATIAN PARLIAMENT
President of the Croatian Parliament
Zlatko Tomčić, single-handed