



PERMANENT MISSION OF THE REPUBLIC OF CROATIA TO THE UNITED NATIONS

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The Permanent Mission of the Republic of Croatia to the United Nations presents its compliments to the Office of Legal Affairs of the United Nations and with regard to the latter's Note No. LA/COD/50 of 21 January 2015 and the General Assembly resolution 69/114 of 10 December 2014, entitled "Criminal accountability of United Nations officials and experts on mission", has the honour to enclose to the current Note Croatia's information and observations on the implementation of the resolution, in particular paragraphs 3, 4, 5 (a), 5 (b), 5 (c), 5 (d) and 15 thereof.

The Permanent Mission of the Republic of Croatia to the United Nations avails itself of this opportunity to renew to the Office of Legal Affairs of the United Nations the assurances of its highest consideration



New York, 29 May 2015

**Office of Legal Affairs
United Nations**

New York

**Croatia's response to the call to provide information on the implementation of the
UN General Assembly resolution 69/114 of 10 December 2014 entitled
"Criminal accountability of United Nations officials and experts on mission"**

With regard to paragraph 3 of the Resolution:

In accordance with Article 14 Paragraph 4 of the Croatian Criminal Act (Official Gazette Nos. 125/11 and 144/12), when a Croatian citizen participates in peacekeeping operations or other international activities outside the territory of the Republic of Croatia and commits in such operations or activities a criminal offence, legislation of the Republic of Croatia shall apply, unless otherwise provided by an international treaty to which the Republic of Croatia is a party.

Therefore, in accordance with Article 14 of the Criminal Act, criminal law shall apply to a Croatian citizen and a person who is resident in the Republic of Croatia, when the offense was committed outside the territory of the Republic of Croatia, provided that the offense is punishable under the laws of the country in which it was committed, and that the application of the criminal legislation of the Republic of Croatia is not already established on the basis of real or universal principle.

Exceptionally, for certain criminal offenses it is not necessary that the offense be punishable under the laws of the country in which it was committed (e.g. rape, serious crimes against sexual freedom, and some of the crimes of sexual exploitation and child abuse).

With regard to paragraphs 4, 5 (a) and 5 (b) of the Resolution:

International legal assistance in the Republic of Croatia is based on bilateral and multilateral agreements on legal assistance and, where there is no international agreement, on the basis of national legislation. Article 4 of the Act on International Assistance in Criminal Matters (Official Gazette No. 178/04) stipulates that the international legal assistance is provided in the broadest possible sense, in accordance with the principles of the national legal system, the principles of the European Convention on the Protection of Human Rights and Fundamental Freedoms and the International Covenant on Civil and Political Rights.

With regard to paragraph 5 (c) of the Resolution:

The Criminal Procedure Code (Official Gazette Nos. 152/08, 76/09, 80/11, 91/12, 143/12, 56/13, 145/13 and 152/14) (further in the text: CPC) stipulates in the principles of criminal procedure that the police, police investigators, the office of the public prosecutor and the court have to act with special regard to the victims of the crime, inform the victims about their rights in the proceedings and adequately take care of their rights during the proceedings (Article 16

Paragraphs 2 and 3 of the CPC). Further provisions on the rights of the victims are stipulated in Articles 43 to 46, 125 (Paragraph 2), 292, 294 to 297, 388 and 438.

It is important to note that along with all the rights of the victims of crime, special protection is given to specific categories of victims such as children, victims of crimes against sexual freedom and victims of crimes of human trafficking.

With regard to paragraph 5 (d) of the Resolution:

See above comment with regard to paragraphs 4, 5 (a) and 5 (b).

With regard to paragraph 15 of the Resolution:

See above the comment with regard to paragraph 3 and the comment on paragraphs 4, 5 (a) and 5 (b).