



Cybercrime legislation – country profile

REPUBLIC OF CROATIA

This profile has been prepared within the framework of the EU/COE Joint Project on Regional Cooperation against Cybercrime in South-eastern Europe in view of sharing information on cybercrime legislation and assessing the current state of implementation of the Convention on Cybercrime under national legislation. It does not necessarily reflect official positions of the country covered or of the Council of Europe.

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Country:	Republic of Croatia
Signature of Convention:	23/11/2001
Ratification/accession:	03/07/2002
Provisions of the Convention	Corresponding provisions/solutions in national legislation <i>(pls quote or summarise briefly; pls attach relevant extracts as an appendix)</i>
Chapter I – Use of terms	
Article 1 – “Computer system”, “computer data”, “service provider”,	Criminal law, article 89. paragraphs 31., 32., and 33. (OG 105/04.),

“traffic data”:

For the purposes of this Convention:

a “computer system” means any device or a group of interconnected or related devices, one or more of which, pursuant to a program, performs automatic processing of data;

b “computer data” means any representation of facts, information or concepts in a form suitable for processing in a computer system, including a program suitable to cause a computer system to perform a function;

c “service provider” means:

i any public or private entity that provides to users of its service the ability to communicate by means of a computer system, and

ii any other entity that processes or stores computer data on behalf of such communication service or users of such service;

d “traffic data” means any computer data relating to a communication by means of a computer system, generated by a computer system that formed a part in the chain of communication, indicating the communication’s origin, destination, route, time, date, size, duration, or type of underlying service

Telecommunications Act, Article 7, Item 4 and 34 (OG 122/03)

Article 89

(1) The *territory* of the Republic of Croatia denotes land, rivers, lakes, channels, internal maritime waters, territorial sea, and the air space above these areas.

(2) The *criminal legislation* of the Republic of Croatia refers to the provisions contained in this Code and other statutes of the Republic of Croatia.

(3) An *official person*, when referred to as the perpetrator of a criminal offense, is an official elected or nominated to a representative body, a public official or a person performing official duties in bodies of the state administration, local self-government and administration, a unit of local self-government, the judiciary, the Constitutional Court of the Republic of Croatia, the State Attorney’s Office, the Ombudsman’s Office, the Ombudsman’s Office for Children, Office of the President of the Republic, or a body, an office or an expert agency of the Government of the Republic of Croatia and the Croatian *Sabor*, a judicial official, a judge of the Constitutional Court of the Republic of Croatia, the State Attorney of the Republic of Croatia and his deputies, the Ombudsman of the Republic of Croatia and his deputies and the Ombudsman for Children and his deputies or a notary public. An official person is also a foreign lay judge, a domestic or a foreign arbitrator, a foreign civil servant, a representative or an official of a foreign representative body, an official of an international organization of which the Republic of Croatia is a member, a representative or an official of an international assembly of which the Republic of Croatia is a member, and a judge or an official of an international court whose judicial competence the Republic of Croatia has recognized.

(4) A *military person* is a soldier serving a military term, a cadet at military school, an active military person, a person from the reserve forces while on military service, an army clerk or an army employee, as well as a civilian performing a military duty.

(5) When an official person is designated as the person against whom a criminal offense has been committed, an official person within the meaning of this Code shall, in addition to persons specified in paragraph 3 of this Article, also be a military person referred to in paragraph 4 of this Article.

(6) A *legal entity*, as referred to in this Code, is an enterprise, a public company, a company, a fund, an institution, a political or social organization and an association of citizens, a unit of local self-government and administration, as

well as some other legal entity which, within the framework of its regular business, regularly or occasionally generates or provides resources and disposes of them.

(7) A *responsible person*, as referred to in this Code, is a person who is entrusted with particular tasks from the field of activities of a legal entity, a government body, a body of local self-government and administration or a local self-government body.

(8) When an official or a responsible person of a legal entity is described as the perpetrator of certain criminal offenses, the persons specified in paragraphs 3 and 7 of this Article may be the perpetrators of such offenses, unless it is obvious from the characteristics of a particular offense or a specific regulation that the perpetrator may only be a particular person among those specified.

(9) A *child*, as referred to in this Code, is a person who has not reached the age of fourteen years.

(10) A *juvenile*, as referred to in this Code, is a person who has not reached the age of eighteen years.

(11) A *person under international protection* is a Head of State, a Prime Minister or Minister of Foreign Affairs when outside his own state, as well as any official representative of an internationally recognized organization, when he, or his official premises, his private home or his means of transport, can be clearly identified as being specially protected under international law.

(12) A *state secret* is information which is designated as such by statute, by some other legal provision or by the bylaws of a competent body passed in accordance with the law, and whose disclosure would cause effects harmful to national security or the national interest of the Republic of Croatia.

(13) A *military secret* is information which is designated as such by statute or some other legal provision or by the bylaws of a competent body passed in accordance with the law.

(14) An *official secret* is information received and used for the needs of official bodies, designated to be an official secret by statute, some other legal provision or bylaws of a competent body passed in accordance with the law.

(15) A *business secret* is information designated as such by statute, some other legal provision or by the bylaws of a company, an institution or other legal entity, and which presents a manufacturer's secret, the results of research or design work, as well as other information whose disclosure to an unauthorized person could have harmful effects on the economic interests of a company, an institution or any other legal entity.

(16) A *professional secret* is information about the personal or family life of clients, entrusted to attorneys-at-law, defense counsels, notaries public, physicians, dentists, midwives or other health service personnel, psychologists, guardians, religious confessors and other persons when performing their respective professions.

(17) A *personal secret* is information about a person which is designated to be a secret by statute, some other legal provision or the bylaw of a competent body passed in accordance with the law.

(18) A *document with secret contents*, as referred to in this Code, is a confidential fact, information, writing, object, or oral communication of a confidential nature disclosed in the course of the work of a government body, public administrative bodies or other legal entities with public authorization, as well as a fact collected in the course of registering the personal data of citizens.

(19) *Elections* are the elections of representatives to the House of Representatives and House of the Counties of the Croatian *Sabor*, of the President of the Republic, of members of representative bodies in the units of local self-government and administration, the units of self-government, as well as of members of boards of directors and supervisory boards in companies and other legal entities.

(20) *More persons* stands for two or more persons.

(21) A *body of people* stands for five or more persons.

(22) A *group of people*, as referred to in this Code, is a group of at least three persons who are connected for the purpose of the regular or occasional perpetration of criminal offenses, whereby each of them exercises his share in the perpetration of a criminal offense.

(23) A *criminal organization* is a hierarchically structured association of at least three persons who act within a specific period and have gathered to commit criminal offenses in order to realize pecuniary gain or to realize and supervise certain economic or other activities.

(24) A *document*, as referred to in this Code, is any object suitable or designated to serve as evidence of a fact relevant to legal relationships.

(25) *Currency* denotes coins and banknotes, being legal tender in the Republic of Croatia or in a foreign country.

(26) *Official stamps, seals and other objects of value*, as referred to in this Code, also include foreign official stamps, seals and other objects of value.

(27) A *movable object* also involves any generated or accumulated power for the purpose of providing light, heat or locomotion, including telecommunication

	<p>services calculated on the basis of units of time.</p> <p>(28) A <i>motor vehicle</i> is any engine-driven transportation device used in land-, water-, and air -traffic.</p> <p>(29) <i>Force</i> also includes the application of hypnosis or intoxicants, used to bring a person, against his own will, into a state of unconsciousness or to incapacitate him from offering resistance.</p> <p>(30)<i>Family members</i>, as referred to in this Code, are: a spouse or a common-law partner, a former spouse or a former common-law partner, a lineal relative, an adoptive parent and an adoptee, a collateral relative up to the third degree inclusive and an in-law relative up to the second degree of affinity inclusive.</p> <p>31. Computer system means any device or a group of interconnected or related devices, one or more of which, pursuant to a program, performs automatic processing of data;</p> <p>32. Computer data means any representation of facts, information or concepts in a form suitable for processing in a computer system.</p> <p>33. Computer program means a group of a computer data suitable to cause a computer system perform a certain function.</p> <p>Telecommunications Act:</p> <ul style="list-style-type: none"> - Article 7 item 4. – <i>provider of services</i>: any public or private entity that provides public telecommunication services on the market by means of telecommunication network, - Article 7 item 34 - <i>data on telecommunication traffic</i>: any data which are processed for the purpose of communication through telecommunication network or for the purpose of calculation of costs.
<p>Chapter II – Measures to be taken at the national level Section 1 – Substantive criminal law</p>	
<p><i>Title 1 – Offences against the confidentiality, integrity and availability of computer data and systems</i></p>	
<p>Article 2 – Illegal access Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law, when committed intentionally, the access to the whole or any part of a computer system without right. A Party may require that the offence be committed by infringing security measures, with the intent of obtaining computer data or other dishonest intent, or in relation to a computer system that is connected</p>	<p>Criminal law, article 223, paragraph 1 (OG 105/04.)</p> <p>Article 223 (1) Whoever, without authorization despite the protective measures, accesses the computer data or programs of another shall be punished by a fine or by imprisonment not exceeding three years. (2)Whoever renders unusable or hinders the work or the use of computer</p>

<p>to another computer system.</p>	<p>systems, computer programs or electronic data and communication shall be punished by a fine or by imprisonment not exceeding three years.</p> <p>(3) Whoever damages, alters, deletes, destroys or in some other way renders unusable or inaccessible the electronic data or computer programs of another shall be punished by a fine or by imprisonment not exceeding three years.</p> <p>(4) Whoever intercepts or records the nonpublic transmission of electronic data to, within or from a computer system, not intended for his use, including the electromagnetic transmissions of data in the computer system, or whoever enables an unauthorized person to access these data shall be punished by a fine or by imprisonment not exceeding three years.</p> <p>(5) If the criminal offense referred to in paragraphs 1, 2, 3 and 4 of this Article is committed in connection with the computer system, electronic data or computer program of a governmental body, a public institution or a company of special public interest, or if significant damage is caused, the perpetrator shall be punished by imprisonment for three months to five years.</p> <p>(6) Whoever, without authorization, produces, procures, sells, possesses or makes available to another person special devices, equipment, computer programs and electronic data created or adapted for the perpetration of the criminal offense referred to in paragraphs 1, 2, 3 and 4 of this Article shall be punished by a fine or by imprisonment not exceeding three years.</p> <p>(7) Special devices, equipment, computer programs or electronic data created, used or adapted for the perpetration of criminal offenses and used for the perpetration of the criminal offense referred to in paragraphs 1, 2, 3 and 4 of this Article shall be forfeited.</p> <p>(8) Whoever attempts to perpetrate the criminal offenses referred to in paragraphs 1, 2, 3 and 4 of this Article shall be punished.</p>
<p>Article 3 – Illegal interception</p> <p>Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law, when committed intentionally, the interception without right, made by technical means, of non-public transmissions of computer data to, from or within a computer system, including electromagnetic emissions from a computer system carrying such computer data. A Party may require that the offence be committed with dishonest intent, or in relation to a computer system that is connected to another computer system.</p>	<p>Criminal law, article 223. paragraph 4. (OG 105/04.)</p> <p>Article 223</p> <p>(1) Whoever, without authorization despite the protective measures, accesses the computer data or programs of another shall be punished by a fine or by imprisonment not exceeding three years.</p> <p>(2) Whoever renders unusable or hinders the work or the use of computer systems, computer programs or electronic data and communication shall be punished by a fine or by imprisonment not exceeding three years.</p> <p>(3) Whoever damages, alters, deletes, destroys or in some other way renders</p>

	<p>unusable or inaccessible the electronic data or computer programs of another shall be punished by a fine or by imprisonment not exceeding three years.</p> <p>(4) Whoever intercepts or records the nonpublic transmission of electronic data to, within or from a computer system, not intended for his use, including the electromagnetic transmissions of data in the computer system, or whoever enables an unauthorized person to access these data shall be punished by a fine or by imprisonment not exceeding three years.</p> <p>(5) If the criminal offense referred to in paragraphs 1, 2, 3 and 4 of this Article is committed in connection with the computer system, electronic data or computer program of a governmental body, a public institution or a company of special public interest, or if significant damage is caused, the perpetrator shall be punished by imprisonment for three months to five years.</p> <p>(6) Whoever, without authorization, produces, procures, sells, possesses or makes available to another person special devices, equipment, computer programs and electronic data created or adapted for the perpetration of the criminal offense referred to in paragraphs 1, 2, 3 and 4 of this Article shall be punished by a fine or by imprisonment not exceeding three years.</p> <p>(7) Special devices, equipment, computer programs or electronic data created, used or adapted for the perpetration of criminal offenses and used for the perpetration of the criminal offense referred to in paragraphs 1, 2, 3 and 4 of this Article shall be forfeited.</p> <p>(8) Whoever attempts to perpetrate the criminal offenses referred to in paragraphs 1, 2, 3 and 4 of this Article shall be punished.</p>
<p>Article 4 – Data interference</p> <p>1 Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law, when committed intentionally, the damaging, deletion, deterioration, alteration or suppression of computer data without right.</p> <p>2 A Party may reserve the right to require that the conduct described in paragraph 1 result in serious harm.</p>	<p>Criminal law, article 223. paragraph 3. (OG 105/04.)</p> <p>Article 223</p> <p>(1) Whoever, without authorization despite the protective measures, accesses the computer data or programs of another shall be punished by a fine or by imprisonment not exceeding three years.</p> <p>(2) Whoever renders unusable or hinders the work or the use of computer systems, computer programs or electronic data and communication shall be punished by a fine or by imprisonment not exceeding three years.</p> <p>(3) Whoever damages, alters, deletes, destroys or in some other way renders unusable or inaccessible the electronic data or computer programs of another shall be punished by a fine or by imprisonment not exceeding three years.</p> <p>(4) Whoever intercepts or records the nonpublic transmission of electronic data</p>

	<p>to, within or from a computer system, not intended for his use, including the electromagnetic transmissions of data in the computer system, or whoever enables an unauthorized person to access these data shall be punished by a fine or by imprisonment not exceeding three years.</p> <p>(5) If the criminal offense referred to in paragraphs 1, 2, 3 and 4 of this Article is committed in connection with the computer system, electronic data or computer program of a governmental body, a public institution or a company of special public interest, or if significant damage is caused, the perpetrator shall be punished by imprisonment for three months to five years.</p> <p>(6) Whoever, without authorization, produces, procures, sells, possesses or makes available to another person special devices, equipment, computer programs and electronic data created or adapted for the perpetration of the criminal offense referred to in paragraphs 1, 2, 3 and 4 of this Article shall be punished by a fine or by imprisonment not exceeding three years.</p> <p>(7) Special devices, equipment, computer programs or electronic data created, used or adapted for the perpetration of criminal offenses and used for the perpetration of the criminal offense referred to in paragraphs 1, 2, 3 and 4 of this Article shall be forfeited.</p> <p>(8) Whoever attempts to perpetrate the criminal offenses referred to in paragraphs 1, 2, 3 and 4 of this Article shall be punished.</p>
<p>Article 5 – System interference Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law, when committed intentionally, the serious hindering without right of the functioning of a computer system by inputting, transmitting, damaging, deleting, deteriorating, altering or suppressing computer data</p>	<p>Criminal law, article 223 paragraph 3. (OG 105/04.)</p> <p>Article 223</p> <p>(1) Whoever, without authorization despite the protective measures, accesses the computer data or programs of another shall be punished by a fine or by imprisonment not exceeding three years.</p> <p>(2) Whoever renders unusable or hinders the work or the use of computer systems, computer programs or electronic data and communication shall be punished by a fine or by imprisonment not exceeding three years.</p> <p>(3) Whoever damages, alters, deletes, destroys or in some other way renders unusable or inaccessible the electronic data or computer programs of another shall be punished by a fine or by imprisonment not exceeding three years.</p> <p>(4) Whoever intercepts or records the nonpublic transmission of electronic data to, within or from a computer system, not intended for his use, including the electromagnetic transmissions of data in the computer system, or whoever enables an unauthorized person to access these data shall be punished by a fine</p>

	<p>or by imprisonment not exceeding three years.</p> <p>(5) If the criminal offense referred to in paragraphs 1, 2, 3 and 4 of this Article is committed in connection with the computer system, electronic data or computer program of a governmental body, a public institution or a company of special public interest, or if significant damage is caused, the perpetrator shall be punished by imprisonment for three months to five years.</p> <p>(6) Whoever, without authorization, produces, procures, sells, possesses or makes available to another person special devices, equipment, computer programs and electronic data created or adapted for the perpetration of the criminal offense referred to in paragraphs 1, 2, 3 and 4 of this Article shall be punished by a fine or by imprisonment not exceeding three years.</p> <p>(7) Special devices, equipment, computer programs or electronic data created, used or adapted for the perpetration of criminal offenses and used for the perpetration of the criminal offense referred to in paragraphs 1, 2, 3 and 4 of this Article shall be forfeited.</p> <p>(8) Whoever attempts to perpetrate the criminal offenses referred to in paragraphs 1, 2, 3 and 4 of this Article shall be punished.</p>
<p>Article 6 – Misuse of devices</p> <p>1 Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law, when committed intentionally and without right:</p> <p>a the production, sale, procurement for use, import, distribution or otherwise making available of:</p> <p>i a device, including a computer program, designed or adapted primarily for the purpose of committing any of the offences established in accordance with the above Articles 2 through 5;</p> <p>ii a computer password, access code, or similar data by which the whole or any part of a computer system is capable of being accessed, with intent that it be used for the purpose of committing any of the offences established in Articles 2 through 5; and</p> <p>b the possession of an item referred to in paragraphs a.i or ii above, with intent that it be used for the purpose of committing any of the offences established in Articles 2 through 5. A Party may require by law that a number of such items be possessed before criminal liability attaches.</p>	<p>Criminal law, article 223. paragraph 6. and 7. (OG 105/04.)</p> <p>Article 223</p> <p>(1) Whoever, without authorization despite the protective measures, accesses the computer data or programs of another shall be punished by a fine or by imprisonment not exceeding three years.</p> <p>(2) Whoever renders unusable or hinders the work or the use of computer systems, computer programs or electronic data and communication shall be punished by a fine or by imprisonment not exceeding three years.</p> <p>(3) Whoever damages, alters, deletes, destroys or in some other way renders unusable or inaccessible the electronic data or computer programs of another shall be punished by a fine or by imprisonment not exceeding three years.</p> <p>(4) Whoever intercepts or records the nonpublic transmission of electronic data to, within or from a computer system, not intended for his use, including the electromagnetic transmissions of data in the computer system, or whoever enables an unauthorized person to access these data shall be punished by a fine or by imprisonment not exceeding three years.</p> <p>(5) If the criminal offense referred to in paragraphs 1, 2, 3 and 4 of this Article is committed in connection with the computer system, electronic data or computer program of a governmental body, a public institution or a company of</p>

<p>2 This article shall not be interpreted as imposing criminal liability where the production, sale, procurement for use, import, distribution or otherwise making available or possession referred to in paragraph 1 of this article is not for the purpose of committing an offence established in accordance with Articles 2 through 5 of this Convention, such as for the authorised testing or protection of a computer system.</p> <p>3 Each Party may reserve the right not to apply paragraph 1 of this article, provided that the reservation does not concern the sale, distribution or otherwise making available of the items referred to in paragraph 1 a.ii of this article.</p>	<p>special public interest, or if significant damage is caused, the perpetrator shall be punished by imprisonment for three months to five years.</p> <p>(6) Whoever, without authorization, produces, procures, sells, possesses or makes available to another person special devices, equipment, computer programs and electronic data created or adapted for the perpetration of the criminal offense referred to in paragraphs 1, 2, 3 and 4 of this Article shall be punished by a fine or by imprisonment not exceeding three years.(7) Special devices, equipment, computer programs or electronic data created, used or adapted for the perpetration of criminal offenses and used for the perpetration of the criminal offense referred to in paragraphs 1, 2, 3 and 4 of this Article shall be forfeited.</p> <p>(8) Whoever attempts to perpetrate the criminal offenses referred to in paragraphs 1, 2, 3 and 4 of this Article shall be punished.</p>
<p><i>Title 2 – Computer-related offences</i></p>	
<p>Article 7 – Computer-related forgery</p> <p>Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law, when committed intentionally and without right, the input, alteration, deletion, or suppression of computer data, resulting in inauthentic data with the intent that it be considered or acted upon for legal purposes as if it were authentic, regardless whether or not the data is directly readable and intelligible. A Party may require an intent to defraud, or similar dishonest intent, before criminal liability attaches.</p>	<p>Criminal law, article. 223. A (OG 105/04.)</p> <p>Article 223a</p> <p>(1) Whoever, without authorization, develops, installs, alters, deletes or makes unusable computer data or programs that are of significance for legal relations in order for them to be used as authentic, or whoever uses such data or programs shall be punished by a fine of by imprisonment not exceeding three years.</p> <p>(2) If the criminal offense referred to in paragraph 1 of this Article is committed in connection with the computer data or programs of a governmental body, a public institution or a company of particular public interest, or if significant damage is caused, the perpetrator shall be punished by imprisonment for three months to five years.</p> <p>(3) Whoever, without authorization, produces, procures, sells, possesses or makes available to another person special devices, equipment, computer programs or electronic data created or adopted for the perpetration of the criminal offense referred to in paragraphs 1 and 2 of this Article shall be punished by a fine or by imprisonment not exceeding three years.</p> <p>(4) Special devices, equipment, computer programs or electronic data created, used or adapted for the perpetration of criminal offenses and which are used to perpetrate the criminal offense referred to in paragraphs 1 and 2 of this Article shall be forfeited.</p>

	(5) Whoever attempts to commit the criminal offenses referred to in paragraphs 1 and 2 of this Article shall be punished.
<p>Article 8 – Computer-related fraud Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law, when committed intentionally and without right, the causing of a loss of property to another person by:</p> <ul style="list-style-type: none"> a any input, alteration, deletion or suppression of computer data; b any interference with the functioning of a computer system, <p>with fraudulent or dishonest intent of procuring, without right, an economic benefit for oneself or for another person.</p>	<p>Criminal law, article 224. A (OG 105/04.) Article 224 (1) Whoever, with an aim to procure unlawful pecuniary gain for himself or a third party, by false representation or concealment of facts, deceives another or keeps such a person in deception, inducing him thereby to do or to omit to do something to the detriment of his property or the property of another, shall be punished by imprisonment for three months to five years. (2) If by the perpetration of the criminal offense referred to in paragraph 1 of this Article, considerable pecuniary gain is acquired or if the criminal offense is committed while the perpetrator is a member of a group or a criminal organization, the perpetrator shall be punished by imprisonment for one to ten years. (3) If, by the perpetration of the criminal offense referred to in paragraph 1 of this Article a small pecuniary gain is acquired and the perpetrator acted with the aim of acquiring such gain, the perpetrator shall be punished by a fine of up to one hundred and fifty daily incomes or by imprisonment not exceeding six months. (4) Whoever commits the criminal offense referred to in paragraph 1 of this Article only with the aim of causing damage to another shall be punished by a fine or by imprisonment not exceeding three years. (5) Criminal proceedings for the criminal offense referred to in paragraphs 3 and 4 of this Article shall be instituted by a private charge.</p> <p>Article 224a (1) Whoever, with an aim to procure unlawful pecuniary gain for himself or a third party, alters another person’s electronic data or computer programs or in some other way alters their use and in such a way causes damage to another person shall be punished by imprisonment for six months to five years. (2) Whoever, without authorization, produces, procures, sells, possesses or makes accessible to another special devices, equipment, computer programs or electronic data created and adapted for the perpetration of the criminal offenses referred to in paragraphs 1 or 2 of this Article shall be punished by a fine or by imprisonment not exceeding three years.</p>

	<p>(3) Special devices, equipment, computer programs or electronic data created or adapted for the perpetration of criminal offenses that were used to perpetrate the criminal offense referred to in paragraphs 1 and 2 of this Article shall be forfeited.</p> <p>(4) Whoever attempts to perpetrate the criminal offense referred to in paragraph 1 of this Article shall be punished.</p>
<p><i>Title 3 – Content-related offences</i></p>	
<p>Article 9 – Offences related to child pornography</p> <p>1 Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law, when committed intentionally and without right, the following conduct:</p> <ul style="list-style-type: none"> a producing child pornography for the purpose of its distribution through a computer system; b offering or making available child pornography through a computer system; c distributing or transmitting child pornography through a computer system; d procuring child pornography through a computer system for oneself or for another person; e possessing child pornography in a computer system or on a computer-data storage medium. <p>2 For the purpose of paragraph 1 above, the term “child pornography” shall include pornographic material that visually depicts:</p> <ul style="list-style-type: none"> a a minor engaged in sexually explicit conduct; b a person appearing to be a minor engaged in sexually explicit conduct; c realistic images representing a minor engaged in sexually explicit conduct <p>3 For the purpose of paragraph 2 above, the term “minor” shall include all persons under 18 years of age. A Party may, however, require a lower age-limit, which shall be not less than 16 years.</p> <p>4 Each Party may reserve the right not to apply, in whole or in part, paragraphs 1, sub-paragraphs d. and e, and 2, sub-paragraphs b. and c.</p>	<p>Criminal law, article 197. A (OG 105/04.)</p> <p>Article 197</p> <p>(1) Whoever sells, donates, shows, publicly exhibits or otherwise makes accessible to a child the writings, pictures, audiovisual material or other objects of pornographic content or shows the child a pornographic performance shall be punished by a fine or by imprisonment not exceeding three years.</p> <p>(2) The objects meant and used for the perpetration of the criminal offense referred to in paragraphs 1 and 2 of this Article shall be forfeited and the objects that are the result of the perpetration of the criminal offense referred to in paragraphs 1 and 2 of this Article shall be forfeited and destroyed and materials referred to in paragraph 1 of this Article shall be forfeited.</p> <p>Child pornography on a computer system or network Article 197 a</p> <p>(1) Whoever produces, offers, distributes or procures through a computer system or network for himself or for another person, or who possesses in a computer system or on a computer-data storage medium pornographic contents which show children or minors engaged in sexually explicit conduct or which are focused on their sexual organs, shall be punished by imprisonment for one to ten years.</p> <p>(2) Whoever makes accessible to a child, through a computer system, network or a computer-data storage medium, the pictures, audiovisual material or other objects of pornographic content, shall be punished by a fine or by imprisonment not exceeding three years.</p> <p>(3) Special devices, objects, computer programs or data used or adapted for the perpetration of criminal offense referred to in paragraphs 1 and 2 of this Article shall be forfeited.</p>

<i>Title 4 – Offences related to infringements of copyright and related rights</i>	
<p>Article 10 – Offences related to infringements of copyright and related rights</p> <p>1 Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law the infringement of copyright, as defined under the law of that Party, pursuant to the obligations it has undertaken under the Paris Act of 24 July 1971 revising the Bern Convention for the Protection of Literary and Artistic Works, the Agreement on Trade-Related Aspects of Intellectual Property Rights and the WIPO Copyright Treaty, with the exception of any moral rights conferred by such conventions, where such acts are committed wilfully, on a commercial scale and by means of a computer system.</p> <p>2 Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law the infringement of related rights, as defined under the law of that Party, pursuant to the obligations it has undertaken under the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organisations (Rome Convention), the Agreement on Trade-Related Aspects of Intellectual Property Rights and the WIPO Performances and Phonograms Treaty, with the exception of any moral rights conferred by such conventions, where such acts are committed wilfully, on a commercial scale and by means of a computer system.</p> <p>3 A Party may reserve the right not to impose criminal liability under paragraphs 1 and 2 of this article in limited circumstances, provided that other effective remedies are available and that such reservation does not derogate from the Party's international obligations set forth in the international instruments referred to in paragraphs 1 and 2 of this article.</p>	<p>Criminal law, articles 230 and 231 (OG 110/97)</p> <p>Article 230</p> <p>(1) Whoever, without the approval of the author or another carrier of the copyright, or the person who is authorized to grant approval when such approval is - required pursuant to the provisions of the law, or contrary to their prohibition, makes a master copy, reproduces, multiplies, puts into circulation, rents, imports, transfers across the border, shows, performs, broadcasts, transmits, makes accessible to the public, translates, adapts, refashions or in any other way uses a work of authorship, shall be punished by a fine or by imprisonment not exceeding three years.</p> <p>(2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on whoever, without approval of the performing artist or the person who is authorized to grant approval, when such approval is required pursuant to the provisions of the law, or contrary to their prohibition, records, reproduces, multiplies, puts into circulation, rents, imports, transfers across the border, shows, performs, broadcasts, transmits, makes accessible to the public or in any other way uses a performance of a performing artist.</p> <p>(3) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on whoever, intending to make possible the unauthorized use of an intellectual work or performance of a performing artist, produces, imports, transfers across the border, puts into circulation, rents, or enables another to use or exploit any kind of equipment or devices whose primary or predominant purpose is to enable the unauthorized removal or thwarting of some technical means or computer program intended to protect the copyright or the right of a performing artist against unauthorized use.</p> <p>(4) The person on whom the objects intended for, or used in, the perpetration of a criminal offense are found, or come into being through the perpetration of the criminal offense referred to in paragraphs 1, 2 and 3 of this Article, while such a person knows it, could know or should have known it, shall be punished by a fine of up to one hundred daily incomes or by imprisonment not exceeding six months.</p> <p>(5) If, by the perpetration of a criminal offense referred to in paragraphs 1, 2, and 3 of this Article, considerable pecuniary gain is acquired or considerable damage is caused while the perpetrator acts with intent to acquire such</p>

	<p>pecuniary gain or to cause such damage, the perpetrator shall be punished by imprisonment for six months to five years.</p> <p>(6) The objects which were intended for or used in the perpetration of a criminal offense or came into being by the perpetration of the criminal offense referred to in paragraphs 1, 2 and 3 of this Article shall be forfeited, and the objects which came into being by the perpetration of the criminal offenses referred to in paragraphs 1, 2 and 3 of this Article shall be forfeited and destroyed.</p> <p>Article 231</p> <p>(1) Whoever, without the approval of the producer of an audio or video recording, when such approval is required pursuant to the provisions of the law, or contrary to his prohibition, broadcasts, multiplies directly or indirectly an audio or video recording, puts it without authorization into circulation, rents, imports, transfers across the border or makes it accessible to the public shall be punished by a fine or by imprisonment not exceeding three years.</p> <p>(2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on whoever, without the approval of the carrier of the right relating to - radio broadcasts, when such approval is required pursuant to the law, or contrary to his prohibition, rebroadcasts such a broadcasting or recording, multiplies or puts into circulation the recording of the broadcast.</p> <p>(3) If, by the perpetration of the criminal offense referred to in paragraphs 1 and 2 of this Article, considerable financial gain is acquired or considerable damage is caused while the perpetrator acts with an aim to acquire such pecuniary gain or to cause such damage, he shall be punished by imprisonment for six months to five years.</p> <p>(4) The objects which were intended for or used in the perpetration of the criminal offense, or came into being through the perpetration of the criminal offense referred to in paragraphs 1, 2 and 3 of this Article, shall be forfeited and destroyed.</p>
<p><i>Title 5 – Ancillary liability and sanctions</i></p>	
<p>Article 11 – Attempt and aiding or abetting</p> <p>1 Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law, when committed intentionally, aiding or abetting the commission of any of the offences established in accordance with Articles 2 through 10 of the present Convention with intent that such offence be committed.</p>	<p>Criminal law, articles 33, 37, 38, 223, paragraph 8, 223a, paragraph 5 and 224a, paragraph 4 (OG 105/04)</p> <p>Article 33</p> <p>(1) Whoever intentionally commences to execute a criminal offense but does not consummate it shall be punished for the attempt only of a criminal offense for</p>

<p>2 Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law, when committed intentionally, an attempt to commit any of the offences established in accordance with Articles 3 through 5, 7, 8, and 9.1.a and c. of this Convention.</p> <p>3 Each Party may reserve the right not to apply, in whole or in part, paragraph 2 of this article.</p>	<p>which a punishment of five years of imprisonment or a more serious penalty is prescribed by law, while the attempt of another criminal offense is punishable only if the law expressly provides for the punishment for an attempt.</p> <p>(2)The perpetrator who attempts to commit a criminal offense shall be punished as if the offense had been completed, but the punishment can also be mitigated.</p> <p>(3)If the perpetrator attempts to commit a criminal offense by means that are inappropriate to accomplish the ends sought, or against an object upon which a criminal offense could not have been committed, the court may remit the punishment.</p> <p>Article 37</p> <p>(1) Whoever intentionally instigates another to commit a criminal offense shall be punished as if he himself committed it.</p> <p>(2) Whoever intentionally instigates another to commit a criminal offense whose attempt is punishable shall be punished as for the attempt of such a criminal offense even if the offense itself has not been attempted.</p> <p>(3) In the case of an inadvertent attempt of instigation, the court may remit the punishment of the instigator.</p> <p>Article 38</p> <p>(1) Whoever intentionally aids and abets another in the perpetration of a criminal offense shall be punished as if he himself committed it, but the punishment may also be mitigated.</p> <p>(2) The following shall in particular be deemed acts of aiding and abetting: giving advice or instructions on how to commit a criminal offense, providing the perpetrator with the means for the perpetration of a criminal offense, removing obstacles for the perpetration of a criminal offense, giving an advance promise to conceal the criminal offense, the perpetrator, or the means by which the criminal offense was committed, as well as concealing the traces of a criminal offense or the objects procured by the criminal offense.</p>
<p>Article 12 – Corporate liability</p> <p>1 Each Party shall adopt such legislative and other measures as may be necessary to ensure that legal persons can be held liable for a criminal offence established in accordance with this Convention, committed for their benefit by any natural person, acting either individually or as part of an organ of the legal person, who has a leading position within it, based on:</p>	<p>Law on liability of legal entities for criminal offenses (Official Gazette 151/03)</p> <p>Application of criminal law</p> <p>Article 2</p> <p>If not otherwise prescribed by this Code the provisions of Criminal Act, Criminal Procedure Act and Act on Office for the Prevention of Corruption and Organized</p>

<p>a a power of representation of the legal person; b an authority to take decisions on behalf of the legal person; c an authority to exercise control within the legal person.</p> <p>2 In addition to the cases already provided for in paragraph 1 of this article, each Party shall take the measures necessary to ensure that a legal person can be held liable where the lack of supervision or control by a natural person referred to in paragraph 1 has made possible the commission of a criminal offence established in accordance with this Convention for the benefit of that legal person by a natural person acting under its authority.</p> <p>3 Subject to the legal principles of the Party, the liability of a legal person may be criminal, civil or administrative.</p> <p>4 Such liability shall be without prejudice to the criminal liability of the natural persons who have committed the offence.</p>	<p>Crime shall apply to legal entities. Basis for the liability of legal entities</p> <p>Article 3 (1) A responsible person in a legal entity shall be punished for a criminal offense if its committing resulted in a harm to a duty of a legal entity or if a legal entity acquired or intended to acquire illegal material gain for himself or for another person. (2) Under the conditions referred to in paragraph 1 of this article a legal entity shall be punished for criminal offenses as prescribed by Criminal Code and other laws by which criminal offenses are prescribed. Responsible person</p> <p>Article 4 A responsible person within the meaning of this Code is a physical person who conducts business actions of a legal person or who is entrusted with conducting business actions from the scope of activity of a legal person.</p>
<p>Article 13 – Sanctions and measures</p> <p>1 Each Party shall adopt such legislative and other measures as may be necessary to ensure that the criminal offences established in accordance with Articles 2 through 11 are punishable by effective, proportionate and dissuasive sanctions, which include deprivation of liberty.</p> <p>2 Each Party shall ensure that legal persons held liable in accordance with Article 12 shall be subject to effective, proportionate and dissuasive criminal or non-criminal sanctions or measures, including monetary sanctions.</p>	<p>Criminal law, articles: 197. A., 223., 223. A, 224. A, 230., 231. and article 174. paragraph 4. - Protocol (OG 105/04.)</p> <p>Article 174 (1) Whoever, on the basis of a difference in race, religion, political or other belief, property, birth, education, social position or other characteristics, or on the basis of gender, colour, national or ethnic origin, violates fundamental human rights and freedoms recognized by the international community shall be punished by imprisonment for six months to five years. (2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on whoever persecutes organizations or individuals for promoting equality between people. (3) Whoever publicly states or disseminates ideas on the superiority or subordination of one race, ethnic or religious community, gender, ethnicity or ideas on superiority or subordination on the basis of color for the purpose of spreading racial, religious, sexual, national and ethnic hatred or hatred based on color or for the purpose of disparagement shall be punished by imprisonment for three months to three years.</p>

Section 2 – Procedural law	
<p>Article 14 – Scope of procedural provisions</p> <p>1 Each Party shall adopt such legislative and other measures as may be necessary to establish the powers and procedures provided for in this section for the purpose of specific criminal investigations or proceedings.</p> <p>2 Except as specifically provided otherwise in Article 21, each Party shall apply the powers and procedures referred to in paragraph 1 of this article to:</p> <ul style="list-style-type: none"> a the criminal offences established in accordance with Articles 2 through 11 of this Convention; b other criminal offences committed by means of a computer system; and c the collection of evidence in electronic form of a criminal offence. <p>3 a Each Party may reserve the right to apply the measures referred to in Article 20 only to offences or categories of offences specified in the reservation, provided that the range of such offences or categories of offences is not more restricted than the range of offences to which it applies the measures referred to in Article 21. Each Party shall consider restricting such a reservation to enable the broadest application of the measure referred to in Article 20.</p> <p>b Where a Party, due to limitations in its legislation in force at the time of the adoption of the present Convention, is not able to apply the measures referred to in Articles 20 and 21 to communications being transmitted within a computer system of a service provider, which system:</p> <ul style="list-style-type: none"> i is being operated for the benefit of a closed group of users, and ii does not employ public communications networks and is not connected with another computer system, whether public or private, <p>that Party may reserve the right not to apply these measures to such communications. Each Party shall consider restricting such a reservation to enable the broadest application of the measures referred to in Articles 20 and 21</p>	<p>Criminal Procedure Act (OG 152/08, 76/09) Article 257, Article 261, Article 263, 202 paragraph 32, Article 331, Article 332, Article 333, Article 334, 335 paragraph 2 (OG no. X)</p> <p>Article 257</p> <p>(1) The search of movable objects shall include the search of a computer and devices connected with it, other devices which serve to collect, store and transmit data by means of a telephone, computer and other communication means as well as a computer-data storage medium. On the request of the body undertaking the search, the person who uses a computer or has access to a computer, other device or computer-data storage medium, and the provider of telecommunication services shall be obliged to enable access to a computer, device or a computer-data storage medium and to provide necessary information for unhindered use and the realization of the aims of the search.</p> <p>(2) Upon the order of the body which undertakes the search, a person who uses the computer or has access to a computer and other devices referred to in paragraph 1 of this article, as well as the provider of telecommunication services, shall be obliged to immediately undertake measures aimed at preventing the destruction or alteration of a computer data. A body undertaking the search may order to a professional assistant to carry out these measures.</p> <p>(3) A person who uses s computer or has access to a computer or another device or a computer-data storage medium, as well as the provider of telecommunication services, who, with no justified reasons shall not proceed according to paragraphs 1 and 2 of this article, investigating judge may, at the motion of state attorney, punish, according to the provision of article 259, paragraph 1 of this Code. The provision on punishment shall not apply to a defendant.</p> <p>Article 261 Temporary seizure of objects</p> <p>(1) Objects which are subject to seizure pursuant to Criminal Code, or which may serve for establishing of facts in the proceedings, shall be temporary seized and their keeping shall be ensured.</p> <p>(2) Whoever keeps such objects, shall be obliged to, at the motion of state attorney, deliver them to the investigator or the police. State attorney, investigator or police shall warn the holder of these objects to the consequences arising from the refusal to proceed according to the motion.</p>

(3) A person who does not proceed in accordance with the request for delivery , although there are no justified reasons for that, investigating judge may, at the justified proposal of the state attorney, punish, pursuant to article 259, paragraph 1 of this Code.

(4) Measures referred to in paragraph 2 of this article, may not apply to the defendant or to persons having judicial immunity of witness (article 285).

Article 263

(1) Provisions referred to in article 261 of this Code shall also refer to data stored in computers and devices connected with it, devices for the collection and transmission of data, computer-data storage medium as well as to the subscribers information at the disposal of service provider, except in cases when, pursuant to article 262 of this Code, temporary seizure of objects is forbidden.

(2) Data referred to in paragraph 1 of this article shall be, on the written request of state attorney, submitted to state attorney in their integral, original, readable and intelligible form. In his request, the state attorney shall determine deadline for the submission of the data. In the case of refusal of the submission of data, proceedings pursuant to article 259, paragraph 1 of this Code may apply.

(3) Data referred to in paragraph 1 of this article, shall be recorded in a real-time by the body performing the recording. Upon the collection, recording, protection and keeping of data, provisions related to the protection of secrecy of certain data (article 186 through 188) shall be observed. According to the circumstances, data which are not related to a criminal offense for which it is being proceeded, and which a person against whom measure is being implemented needs, may be recorded on an adequate media and returned to that person prior to the termination of proceedings.

(4) At the motion of state attorney, investigating judge may, by issuing decision, determine the protection and keeping of all computer data referred to in paragraph 1 of this article, until it is necessary, but no longer than for the period of six months. After that, computer data shall be returned provided that:

1) they are not included in the perpetration of the following criminal offenses from Criminal Code: infringement of confidentiality, integrity and availability of computer data, program or system (article 223), computer forgery (article 223a) and computer fraud (article 224a),

2) they are not included in the perpetration of another criminal offense committed by means of a computer system and which is pursued ex officio,

3) they do not serve as evidence of criminal offense for which proceedings are being conducted.

(5) Against the decision of investigating judge by which the measures referred to in paragraph 3 of this article are established, a person using the computer and a person acting as service provider shall have the right to appeal within 24 hours. The panel shall decide on the appeal within the period of three days. Filing an appeal shall not postpone the execution of the decision.

Article 202, item 32 Electronic (digital) evidence shall be the data procured in an electronic (digital) form, in accordance with this Code.

Article 331 Electronic(digital) evidence: unless otherwise provided by this Code, electronic evidence shall be procured by applying provisions referred to in articles 257, 262 and 263 of this Code.

Article 332 Special evidential actions

(1) If the investigation can not be conducted in another way or if this is possible only under significant difficulties, investigating judge may, on a written and justified request of the state attorney/ upon the state attorney's written request stating the reasons, against a person for whom there is reasonable doubt that he committed or participated together with other persons in a criminal offense referred to in article 334 of this Code, by a written and justified warrant order special evidential actions by which constitutional rights of citizens shall be temporary limited, such as:

- 1) surveillance and technical recording of telephone conversations and other distance communication,
- 2) interception, collection and recording of computer data,
- 3) entry into premises in order to conduct surveillance and technical recording of premises,
- 4) secret surveillance and technical recording of persons and objects,
- 5) use of undercover investigators and a confidant,
- 6) simulated sale and purchase of objects, simulated soliciting and accepting of bribery,
- 7) provision of simulated business services or conclusion of simulated legal businesses,
- 8) monitoring transport and delivery of objects of criminal offense.

(2) Exceptionally, when circumstances warrant that the execution of actions be

immediately undertaken, the state attorney may, prior to the beginning of investigation, issue the warrant for 24 hours referred to in paragraph 1 of this article. A warrant with a specified time of issuance and justification of state attorney shall be submitted to the investigating judge within the period of eight hours. Investigating judge shall immediately decide on the legality of a warrant. If the warrant is approved the state attorney shall proceed according to paragraph 1 of this article. If investigating judge refuses the warrant, state attorney may, within the period of eight hours, file an appeal. The panel shall decide on the appeal within the period of twelve hours.

(3) If the panel does not approve of the warrant, it shall issue the decision ordering that the proceedings be immediately terminated, and data procured on the basis of the warrant of state attorney shall be delivered to the investigating judge who shall then destroy them. A record of the destruction of the data shall be made by investigating judge.

(4) Actions referred to in item 1, paragraph 1 of this article may be ordered against persons when there is basis for doubt that they transmit information and messages to, and from the perpetrator of the criminal offense referred to in article 334 of this Code related to the offense, i.e. that the perpetrator is using their telephone connections or other telecommunication devices, which conceal the perpetrator of a criminal offense or that they, by concealing the means by which a criminal offense was committed, traces of a criminal offense or objects came into being or procured by the criminal offense or in another way, are helping the perpetrator of a criminal offense not to be revealed.

(5) Under the conditions referred to in paragraph 1 of this article, actions referred to in paragraph 1, items 1, 2, 3, 4, 6, 7 and 8 of this article, may, with the written consent of the persons, apply to assets, premises and objects of these persons.

(6) In the case when identities of participants in a criminal offense are unknown, the action referred to in paragraph 1, item 8 of this article may be established for the object of criminal offense.

(7) The execution of actions referred to in paragraph 1, items 5 and 6 of this article shall not be considered as an incentive for the perpetration of a criminal offense.

Article 333

(1) Records, documents and objects procured by the execution of actions referred to in article 332, paragraph 1, items 1 through 8 of this Code, and may

be used as evidence in the proceedings.

(2) An undercover investigator and a confidant may be interrogated in the capacity of a witness about the content of conversation held with persons against whom the action referred to in article 332, paragraph 1, items 5 through 8 of this Code has been ordered, as well as about the content of conversation held with all participants to a criminal offense for which discovery and proving that action has been established, and their testimony may be used as evidence in the proceedings.

(3) A verdict and evaluation of the unlawfulness of evidence shall not be based exclusively on the testimony of a witness referred to in paragraph 2 of this article.

Article 334

(1) Special evidential actions referred to in article 332, paragraph 1 of this Code may be ordered for the following criminal offenses from Criminal Code:

1) against the Republic of Croatia (Chapter XII), against values protected by international law (Chapter XIII), against sexual freedom and sexual moral (Chapter XIV) and against the armed forces of the Republic of Croatia (Chapter XXVI), for which a sentence to imprisonment from five to more years is prescribed,

2) homicide (article 90), abduction (article 125), pimping (article 195), child pornography on a computer system or network (article 197 a), robbery (article 218, paragraph 2), infringement of confidentiality, integrity and availability of a computer data, program or system (article 223), computer forgery (article 223 a), fraud to the detriment of the European Communities (article 224b), extortion (article 234), blackmailing (article 235), serious criminal offenses against general safety (article 271), money forgery (article 274), money laundering (article 279), accepting bribery in business activities (article 294 a), soliciting bribery in business activities (article 294b), avoidance of customs surveillance (article 298), prevention of evidence making (article 304), coercion against a judicial official (article 309), associations for the perpetration of a criminal offense (article 333) as well as for criminal offenses committed by that group or criminal organization in acquiring unlawful possession of weapons and explosive substances (article 335), misuse of position and authority (article 337), misuse in performing state administration duty (article 338), illegal mediation (article 343), accepting bribery (article 347) and soliciting bribery (article 348),

3) using children or minors for pornography (article 196), making children

familiar with pornography (article 197), infringement of the right of author or performing artist (article 229), unauthorized use of authors work or performing artist performance (article 230), infringement of right of the producers of audio or image recording and the rights related to radio-diffused broadcasts (article 231), infringement of rights from registered or protected patent (article 232), infringement of industrial property rights and unauthorized use of someone else's company (article 285), providing these offenses have been committed by means of a computer system or network,

4) for which a long-time imprisonment is prescribed.

(2) Special evidential actions referred to in article 332 paragraph 1 of this Code may be also ordered for criminal offenses committed to the detriment of children or minors.

Article 335

(1) In the order referred to in article 332, paragraph 1 of this Code available data are listed about a person against who special evidential actions are being implemented, the facts from which arises the need for undertaking these actions, period of duration, the manner, scope and the place of the conduct of the action appropriate for the realization of the aim. Actions shall be carried out by the police. Official and responsible persons participating in the procedure of decision-making and the execution of the actions referred to in article 332 of this Code shall be obliged to preserve the secrecy of all data learned in relation to the actions.

(2) Operational Technology Centre for Surveillance of Telecommunications of the Republic of Croatia (hereinafter: OTC) performing technical coordination with telecommunication services provider in Croatia the as well as providers of telecommunication services shall be obliged to ensure all necessary technical assistance to the police. Any acting of the provider of telecommunication service contrary to this obligation, investigating judge shall, at the justified motion of state attorney, punish by a fine up to HRK 1,000,000.00 and the responsible person in OTC as well as that of the provider of telecommunication services by a fine in the amount not exceeding HRK 50,000.00. If, after that a responsible person does not execute the decision, he may be punished by a maximum of one month imprisonment until the execution. Appeal filed against the decision by which a monetary fine or imprisonment is imposed, shall be decided by the panel. An appeal against decision imposing a fine or imprisonment, shall not postpone the execution of decision.

	<p>(3) Special evidential actions may last no longer than for the period of six months. At the motion of state attorney, investigating judge may extend those actions on the ground of important reasons for additional six months. In particularly complex cases investigating judge may extend the actions yet for another six months. If investigating judge refuses the motion of state attorney for the extension of action, he shall issue the decision against which state attorney may file an appeal within the period of eight hours. Appeal shall be decided by the panel within the period of twelve hours.</p> <p>(4) As soon as the preconditions referred to in article 332, paragraph 1 of this Code have ceased, investigating judge shall be obliged to order the termination of the undertaken actions. If state attorney renounces from criminal prosecution, i.e. if the data and information procured by the implementation of the undertaken actions are not needed for criminal proceedings, these shall be destroyed under the monitoring of investigating judge, who shall make official notes about it.</p> <p>(5) The warrant referred to in paragraph 1 of this article shall be kept in a special envelope. After the termination of the action and earlier, if the results of proceeding so allow, a warrant may be delivered to a person against whom the action has been ordered, on her request.</p> <p>(6) If, during the execution of the actions referred to in article 332, paragraph 1 of this Code, the recorded data and information point to another criminal offense and the perpetrator referred to in article 334 of this Code, that part of the record shall be copied and submitted to the state attorney, and may be used as evidence in the proceedings for that criminal offense.</p> <p>(7) Provisions of articles 75, 76 and 114 of this Code shall apply to the conversations of the defendant with the attorney-at-law in the appropriate manner.</p> <p>(8) If the actions referred to in article 332 of this Code are undertaken contrary to the provision referred to in article 332 of this Code, evidence that became known from the data procured in such a way shall not be used as evidence in the proceedings.</p>
<p>Article 15 – Conditions and safeguards 1 Each Party shall ensure that the establishment, implementation and application of the powers and procedures provided for in this Section are subject to conditions and safeguards provided for under its domestic law, which shall provide for the adequate protection of human rights and liberties, including rights arising pursuant to obligations it has undertaken</p>	<p>Criminal Procedure Acts (Official Gazette 152/08, 76/09) Article 1, Article 3, 4, 5, 6, 7, 8, paragraph 2, 10, 11, 12, 13, 14, 15, 239, 332 paragraph 8; Decree on the obligations from the area of national security of the Republic of Croatia for legal and physical persons in telecommunications, Article 13 (Official Gazette 64/08)</p>

under the 1950 Council of Europe Convention for the Protection of Human Rights and Fundamental Freedoms, the 1966 United Nations International Covenant on Civil and Political Rights, and other applicable international human rights instruments, and which shall incorporate the principle of proportionality.

2 Such conditions and safeguards shall, as appropriate in view of the nature of the procedure or power concerned, *inter alia*, include judicial or other independent supervision, grounds justifying application, and limitation of the scope and the duration of such power or procedure.

3 To the extent that it is consistent with the public interest, in particular the sound administration of justice, each Party shall consider the impact of the powers and procedures in this section upon the rights, responsibilities and legitimate interests of third parties.

Article 1

(1) This Act establishes regulations which ensure that whoever is innocent shall not be convicted and that to a perpetrator of a criminal offense a punishment or other measure is imposed according to the conditions provided for by the law and on the basis of legally conducted proceedings at the authorized court.

(2) Prior to the passing of a final judgement freedom and other rights of the defendant may be restricted only in accordance with the conditions stipulated by this Code, in proportion with the seriousness of a criminal offense, the degree of suspicion and the severity of threat for, or infringement of a protected good.

(3) Under the conditions prescribed by this Code and other laws actions may be undertaken with the aim to discover a perpetrator of a criminal offense.

Article 3

(1) Everyone is innocent and no one may be deemed guilty for a criminal offense until his guilt is established by a final court judgement.

(2) The court shall resolve doubt on the existence of facts constituting a criminal offense or on which the implementation of criminal law depends, by issuing decision in the manner more favourable to the defendant.

Article 4

(1) In accordance with this Code the court shall ensure equal opportunities to both a party and attorney-at-law for providing evidence during the proceedings.

(2) The court and the state bodies tasking part in criminal proceedings shall examine and establish with equal attention, the facts incriminating the defendant and those in his favour.

(3) The State Attorney's Office, investigator and the police shall, independently and unbiasedly decide about the doubt of a criminal act for which criminal prosecution is carried out ex officio. These bodies shall be obliged to collect, with equal attention, data on a guilt and innocence of the defendant.

Article 5

(1) The defendant shall have the right to defend himself or with the professional assistance of the attorney-at-law chosen by him. If the defendant does not choose an attorney-at-law, he shall, in order for ensuring his defence, be assigned an attorney-at-law, when provided for by this Code.

(2) The defendant who shall not be able to pay for the costs of an attorney-at-law, under the conditions prescribed by this Code, and upon his request, an

attorney-at-law at the expense of the budget shall be assigned.

(3) Prior to interrogating the defendant, the court or other state body conducting actions in a criminal proceedings shall be obliged to instruct the defendant about his right to, and provide with information in connection with, an attorney-at-law..

(4) The defendant shall be ensured enough time and opportunity for the preparation of his defence.

Article 6

(1) In the proceedings defined by this Code, any discrimination relating to racial affiliation, ethnic origin, skin colour, gender, language, religion, political or other belief, national or social origin, census, membership in union, education, social status, marital or family status, age, health condition, disability, genetic inheritance, gender identity, expression or sexual orientation shall be forbidden.

(2) Any application of medical interventions or giving such substances to a defendant, a witness or any other person which could influence their will in the course of giving testimony as well as the use of coercion, threat or any other similar means on them shall be strictly forbidden.

(3) A testimony obtained in contravention of provisions laid down in paragraphs 1 and 2 of this article, may not be used as evidence in the proceedings.

Article 7

(1) Whoever is subject to measures of the restriction of personal freedom or other coercive measures, shall have the right to be, in accordance with this Code, interrogated at the court or in other authorized state body. He shall also be entitled to the information about the reasons for undertaken measures and informed about his rights in the proceedings.

(2) Whoever is arrested under the suspicion that he committed a criminal offense shall immediately be:

- 1) informed, in the manner understandable to him, about the reasons for arrest,
- 2) instructed about his right to refuse to make a deposition,
- 3) instructed about his right to professional assistance by attorney-at-law of his own choice,
- 4) instructed that the authorized body shall, on his request, inform about the arrest his family or any other person designated by him.

Article 8

(1) Croatian language and Latin script shall be in official use in criminal proceedings, unless for certain judicial areas other language or script is established by the law.

(2) Parties, witnesses and other procedural participants shall have right to use their native language. If the proceedings are not conducted in a native language of a person, oral translation of the statement of a person or another party as well as documents and other written evidential material shall be provided. Translation shall be performed by an interpreter.

(3) The person, referred to in paragraph 2 of this article shall be instructed, prior to the first interrogation, about his right to translation, which right, providing he speaks the language in which proceedings is being conducted, he may decline. It shall be noted in the official record that the instruction were given and the statement of a participant.

(4) A body conducting the proceedings submits decisions, summons and other reports in the Croatian language and Latin script. Appeals and other reports shall be submitted to the court in the Croatian language and Latin script. If, for certain judicial areas other language or script is legally established for official use, reports may be submitted to the court in that language or script. After the beginning of the trial the submitter of a report can not, without consent of the court, revoke his decision about the language he will use in the proceedings.

(5) Translation of decisions, reports and summons shall be delivered to an arrested person, a defendant in custody or in pre-trial detention as well as a person serving time in the language used in the proceedings.

(6) An arrested alien may, before and after trial, submit to the court the reports in his own language only under the condition of reciprocity.

Article 10

(1) Court decisions cannot be based on evidence procured in an illegal manner (illegal evidence).

(2) The following shall represent illegal evidence:

1) evidence procured by breaching of the ban on torture, and other cruel, inhuman or degrading treatment as prescribed by the Constitution, the law or international law,

2) evidence procured by breaching of right to defence, right to dignity, respect and honour and right to the inviolability of personal and family life, guaranteed by the Constitution, the law and international law,

3) evidence procured by breaching of provisions of criminal proceedings and

those explicitly provided by this Code,
4) evidence that became known from illegal evidence.
(3) Evidence procured by breaching of the right and freedoms referred to in paragraph 2, item 2 of this article shall not be deemed as illegal:
1) action for which, according to Criminal Act, unlawfulness is excluded,
2) in proceedings for serious criminal offenses for which regular proceedings are conducted, when the breaching of a right, with regard to its seriousness and a nature, is significantly lesser in relation to seriousness of a criminal offense.
(4) Court decision may not be exclusively based on the evidence referred to in paragraph 3, item 2 of this article.

Article 11

(1) The defendant shall have the right to be brought at the authorized court which shall decide about accusation. The duration of pre-trial detention or other measures of deprivation or restriction of freedom shall be limited to the shortest necessary period.
(2) Proceedings shall be conducted without delay and the court and other state bodies shall be obliged to prevent any misuse of rights pertaining to procedural participants. The court and state bodies shall act especially promptly in proceedings in which a defendant is temporary deprived of freedom,
(3) A right to an action during criminal proceedings, by a party, attorney-at-law, injured party, proxy or legal representative, which would represent an obvious misuse of the right prescribed by this Code, shall be denied by the court decision. An appeal shall not postpone the execution of decision.
(4) If, in the case referred to in paragraph 3 of this article the defendant remains without an attorney-at-law, the president of the court shall, on the request of the body conducting the proceeding, assign an attorney-at-law ex officio.

Article 12

(1) No one can be criminally prosecuted twice for an act for which he has already been convicted and for which act a final verdict was brought.
(2) Against a person acquitted from the accusation by a final verdict a criminal proceeding cannot be reopened.

Article 13

Unless otherwise prescribed by this Code (article 544, paragraph 2), when a

remedy is declared only in favour of a defendant, a verdict can not be changed to his detriment.

Article 14

Whoever is unjustifiably convicted for a criminal offense or arrested without grounds shall have the right to an entire rehabilitation, the right to a compensation for damage from the state budget funds as well as other rights prescribed by law.

Article 15

A defendant or other person participating in the procedure and who, due to a lack of information, could omit to take an action or fail to exercise his rights, the court or other body conducting the action shall instruct about the rights he is entitled to, pursuant to this Code, as well as about consequences of his omission of taking that action.

Article 239

(1) Instruction about the rights of a defendant shall contain the following information:

- 1) if he has not yet received a warrant on conducting investigation, what are the charges against him and what is the basis of doubt regarding him,
- 2) that he is not obliged to state his defence or to answer questions,
- 3) that he is entitled to, in compliance with the provision of article 184, paragraph 2, item 1 of this Code, review, transcribe, copy, and record the file and objects which may be used as evidence,
- 4) that he is entitled to engage an attorney-at-law of his choice or an attorney-at-law shall be assigned to him ex officio, as prescribed by this Code.

(2) Instruction about rights shall be delivered to a defendant together with the following documents:

- 1) search warrant,
- 2) summon for first interrogation,
- 3) investigation warrant,
- 4) summon for evidential hearing,
- 5) decision on pre-detention prison.

(3) Instruction about the rights referred to in paragraph 1 of this article shall be provided by the state attorney or a body conducting the action. In the case referred to in paragraph 2, item 1 of this article, instruction about the rights

	<p>shall be submitted only if the person who is being searched or whose premises or object are searched is present. In the case referred to in paragraph 1, item 5 of this article, instruction shall be delivered by a body conducting the measure.</p> <p>(4) If prescribed by this Code, a body conducting the action ex officio shall verify whether a defendant received the instruction about his rights prior to the beginning of the action and, if it establishes that the instruction about rights was not provided, it shall suspend the proceeding and first and foremost order that the instruction be served to the defendant and only thereafter shall it resume the proceeding.</p> <p>Article 13 Decree on the obligations in the area of national security of the Republic of Croatia for legal and physical persons in telecommunications In case of an illegal implementation of the measures of secret surveillance of telecommunications, disclosure of secret data, i.e. of the results arising from the implementation of measures or other misuse of the results of the implementation of the measures of secret surveillance of telecommunications exclusive liability shall be borne by a physical or legal entity for who it is established that it has illegally implemented or misused the results of the implementation of the measures of secret surveillance of telecommunications, i.e. the data and signals produced by the implementation of the function of secret surveillance.</p>
<p>Article 16 – Expedited preservation of stored computer data</p> <p>1 Each Party shall adopt such legislative and other measures as may be necessary to enable its competent authorities to order or similarly obtain the expeditious preservation of specified computer data, including traffic data, that has been stored by means of a computer system, in particular where there are grounds to believe that the computer data is particularly vulnerable to loss or modification.</p> <p>2 Where a Party gives effect to paragraph 1 above by means of an order to a person to preserve specified stored computer data in the person’s possession or control, the Party shall adopt such legislative and other measures as may be necessary to oblige that person to preserve and maintain the integrity of that computer data for a period of time as long as necessary, up to a maximum of ninety days, to enable the competent authorities to seek its disclosure. A Party may provide for such an order to be subsequently renewed.</p>	<p>Criminal Procedure Act (Official Gazette 152/08, 76/09) Article 257, page 2</p> <p>Article 257</p> <p>(1) The search of movable objects shall include the search of a computer and devices connected with it, other devices which serve to collect, store and transmit data by means of a telephone, computer and other communication means as well as a computer-data storage medium. On the request of the body undertaking the search, the person who uses a computer or has access to a computer, other device or computer-data storage medium, and the provider of telecommunication services shall be obliged to enable access to a computer, device or a computer-data storage medium and to provide necessary information for unhindered use and the realization of the aims of the search.</p> <p>(2) Upon the order of the body which undertakes the search, a person who uses the computer or has access to a computer and other devices referred to in paragraph 1 of this article, as well as the provider of telecommunication services, shall be obliged to immediately undertake measures aimed at</p>

<p>3 Each Party shall adopt such legislative and other measures as may be necessary to oblige the custodian or other person who is to preserve the computer data to keep confidential the undertaking of such procedures for the period of time provided for by its domestic law.</p> <p>4 The powers and procedures referred to in this article shall be subject to Articles 14 and 15.</p>	<p>preventing the destruction or alteration of a computer data. A body undertaking the search may order to a professional assistant to carry out these measures.</p> <p>(3) A person who uses s computer or has access to a computer or another device or a computer-data storage medium, as well as the provider of telecommunication services, who, with no justified reasons shall not proceed according to paragraphs 1 and 2 of this article, investigating judge may, at the motion of state attorney, punish, according to the provision of article 259, paragraph 1 of this Code. The provision on punishment shall not apply to a defendant.</p>
<p>Article 17 – Expedited preservation and partial disclosure of traffic data</p> <p>1 Each Party shall adopt, in respect of traffic data that is to be preserved under Article 16, such legislative and other measures as may be necessary to:</p> <p>a ensure that such expeditious preservation of traffic data is available regardless of whether one or more service providers were involved in the transmission of that communication; and</p> <p>b ensure the expeditious disclosure to the Party’s competent authority, or a person designated by that authority, of a sufficient amount of traffic data to enable the Party to identify the service providers and the path through which the communication was transmitted.</p> <p>2 The powers and procedures referred to in this article shall be subject to Articles 14 and 15.</p>	<p>Decree on obligations from the area of national security of the Republic of Croatia for legal and physical persons in telecommunications (Official Gazette 64/08)</p> <p>Criminal Procedure Act Article 263</p> <p>(1) Provisions referred to in article 261 of this Code shall also refer to data stored in computers and devices connected with it, devices for the collection and transmission of data, computer-data storage medium as well as to the subscribers information at the disposal of service provider, except in cases when, pursuant to article 262 of this Code, temporary seizure of objects is forbidden.</p> <p>(2) Data referred to in paragraph 1 of this article shall be, on the written motion of state attorney, submitted to state attorney in their integral, original, readable and intelligible form. In his motion, the state attorney shall determine deadline for the submission of the data. In the case of refusal of the submission of data, proceedings pursuant to article 259, paragraph 1 of this Code may apply.</p> <p>(3) Data referred to in paragraph 1 of this article, shall be recorded in a real-time by the body performing the recording. Upon the collection, recording, protection and keeping of data, provisions related to the protection of secrecy of certain data (article 186 through 188) shall be observed. According to the circumstances, data which are not related to a criminal offense for which it is being proceeded, and which a person against whom measure is being implemented needs, may be recorded on an adequate media and returned to that person prior to the termination of proceedings.</p> <p>(4) At the motion of state attorney, investigating judge may, by issuing decision, determine the protection and keeping of all computer data referred to in paragraph 1 of this article, until it is necessary, but no longer than for the period</p>

	<p>of six months. After that, computer data shall be returned provided that:</p> <ol style="list-style-type: none"> 1) they are not included in the perpetration of the following criminal offenses from Criminal Code: infringement of confidentiality, integrity and availability of computer data, program or system (article 223), computer forgery (article 223a) and computer fraud (article 224a), 2) they are not included in the perpetration of another criminal offense committed by means of a computer system and which is pursued ex officio, 3) they do not serve as evidence of criminal offense for which proceedings are being conducted. <p>(5) Against the decision of investigating judge by which the measures referred to in paragraph 3 of this article are established, a person using the computer and a person acting as service provider shall have the right to appeal within 24 hours. The panel shall decide on the appeal within the period of three days. Filing an appeal shall not postpone the execution of the decision.</p>
<p>Article 18 – Production order</p> <p>1 Each Party shall adopt such legislative and other measures as may be necessary to empower its competent authorities to order:</p> <ol style="list-style-type: none"> a a person in its territory to submit specified computer data in that person’s possession or control, which is stored in a computer system or a computer-data storage medium; and b a service provider offering its services in the territory of the Party to submit subscriber information relating to such services in that service provider’s possession or control. <p>2 The powers and procedures referred to in this article shall be subject to Articles 14 and 15.</p> <p>3 For the purpose of this article, the term “subscriber information” means any information contained in the form of computer data or any other form that is held by a service provider, relating to subscribers of its services other than traffic or content data and by which can be established:</p> <ol style="list-style-type: none"> a the type of communication service used, the technical provisions taken thereto and the period of service; b the subscriber’s identity, postal or geographic address, telephone and other access number, billing and payment information, available on the basis of the service agreement or arrangement; c any other information on the site of the installation of 	<p>Criminal Procedure Act Article 257, paragraph I, Article 335, paragraph 2</p> <p>Article 257</p> <p>(1) The search of movable objects shall include the search of a computer and devices connected with it, other devices which serve to collect, store and transmit data by means of a telephone, computer and other communication means as well as a computer-data storage medium. On the request of the body undertaking the search, the person who uses a computer or has access to a computer, other device or computer-data storage medium, and the provider of telecommunication services shall be obliged to enable access to a computer, device or a computer-data storage medium and to provide necessary information for unhindered use and the realization of the aims of the search.</p> <p>(2) Upon the order of the body which undertakes the search, a person who uses the computer or has access to a computer and other devices referred to in paragraph 1 of this article, as well as the provider of telecommunication services, shall be obliged to immediately undertake measures aimed at preventing the destruction or alteration of a computer data. A body undertaking the search may order to a professional assistant to carry out these measures.</p> <p>(3) A person who uses s computer or has access to a computer or another device or a computer-data storage medium, as well as the provider of telecommunication services, who, with no justified reasons shall not proceed</p>

communication equipment, available on the basis of the service agreement or arrangement.

according to paragraphs 1 and 2 of this article, investigating judge may, at the motion of state attorney, punish, according to the provision of article 259, paragraph 1 of this Code. The provision on punishment shall not apply to a defendant.

Article 335

(1) In the order referred to in article 332, paragraph 1 of this Code available data are listed about a person against who special evidential actions are being implemented, the facts from which arises the need for undertaking these actions, period of duration, the manner, scope and the place of the conduct of the action appropriate for the realization of the aim. Actions shall be carried out by the police. Official and responsible persons participating in the procedure of decision-making and the execution of the actions referred to in article 332 of this Code shall be obliged to preserve the secrecy of all data learned in relation to the actions.

(2) Operational Technology Centre for Surveillance of Telecommunications of the Republic of Croatia (hereinafter: OTC) performing technical coordination with telecommunication services provider in Croatia the as well as providers of telecommunication services shall be obliged to ensure all necessary technical assistance to the police. Any acting of the provider of telecommunication service contrary to this obligation, investigating judge shall, at the justified motion of state attorney, punish by a fine up to HRK 1,000,000.00 and the responsible person in OTC as well as that of the provider of telecommunication services by a fine in the amount not exceeding HRK 50,000.00. If, after that a responsible person does not execute the decision, he may be punished by a maximum of one month imprisonment until the execution. Appeal filed against the decision by which a monetary fine or imprisonment is imposed, shall be decided by the panel. An appeal against decision imposing a fine or imprisonment, shall not postpone the execution of decision.

(3) Special evidential actions may last no longer than for the period of six months. At the motion of state attorney, investigating judge may extend those actions on the ground of important reasons for additional six months. In particularly complex cases investigating judge may extend the actions yet for another six months. If investigating judge refuses the motion of state attorney for the extension of action, he shall issue the decision against which state attorney may file an appeal within the period of eight hours. Appeal shall be decided by the panel within the period of twelve hours.

	<p>(4) As soon as the preconditions referred to in article 332, paragraph 1 of this Code have ceased, investigating judge shall be obliged to order the termination of the undertaken actions. If state attorney renounces from criminal prosecution, i.e. if the data and information procured by the implementation of the undertaken actions are not needed for criminal proceedings, these shall be destroyed under the monitoring of investigating judge, who shall make official notes about it.</p> <p>(5) The warrant referred to in paragraph 1 of this article shall be kept in a special envelope. After the termination of the action and earlier, if the results of proceeding so allow, a warrant may be delivered to a person against whom the action has been ordered, on her request.</p> <p>(6) If, during the execution of the actions referred to in article 332, paragraph 1 of this Code, the recorded data and information point to another criminal offense and the perpetrator referred to in article 334 of this Code, that part of the record shall be copied and submitted to the state attorney, and may be used as evidence in the proceedings for that criminal offense.</p> <p>(7) Provisions of articles 75, 76 and 114 of this Code shall apply to the conversations of the defendant with the attorney-at-law in the appropriate manner.</p> <p>(8) If the actions referred to in article 332 of this Code are undertaken contrary to the provision referred to in article 332 of this Code, evidence that became known from the data procured in such a way shall not be used as evidence in the proceedings.</p>
<p>Article 19 – Search and seizure of stored computer data</p> <p>1 Each Party shall adopt such legislative and other measures as may be necessary to empower its competent authorities to search or similarly access:</p> <ul style="list-style-type: none"> a a computer system or part of it and computer data stored therein; and b a computer-data storage medium in which computer data may be stored <p style="padding-left: 40px;">in its territory.</p> <p>2 Each Party shall adopt such legislative and other measures as may be necessary to ensure that where its authorities search or similarly access a specific computer system or part of it, pursuant to paragraph 1.a, and have grounds to believe that the data sought is stored in another computer</p>	<p>Criminal Procedure Act, Article 257, 261 and 263</p> <p>Article 257</p> <p>(1) The search of movable objects shall include the search of a computer and devices connected with it, other devices which serve to collect, store and transmit data by means of a telephone, computer and other communication means as well as a computer-data storage medium. On the request of the body undertaking the search, the person who uses a computer or has access to a computer, other device or computer-data storage medium, and the provider of telecommunication services shall be obliged to enable access to a computer, device or a computer-data storage medium and to provide necessary information for unhindered use and the realization of the aims of the search.</p> <p>(2) Upon the order of the body which undertakes the search, a person who uses</p>

system or part of it in its territory, and such data is lawfully accessible from or available to the initial system, the authorities shall be able to expeditiously extend the search or similar accessing to the other system.

3 Each Party shall adopt such legislative and other measures as may be necessary to empower its competent authorities to seize or similarly secure computer data accessed according to paragraphs 1 or 2. These measures shall include the power to:

- a seize or similarly secure a computer system or part of it or a computer-data storage medium;
- b make and retain a copy of those computer data;
- c maintain the integrity of the relevant stored computer data;
- d render inaccessible or remove those computer data in the accessed computer system.

4 Each Party shall adopt such legislative and other measures as may be necessary to empower its competent authorities to order any person who has knowledge about the functioning of the computer system or measures applied to protect the computer data therein to provide, as is reasonable, the necessary information, to enable the undertaking of the measures referred to in paragraphs 1 and 2.

5 The powers and procedures referred to in this article shall be subject to Articles 14 and 15.

the computer or has access to a computer and other devices referred to in paragraph 1 of this article, as well as the provider of telecommunication services, shall be obliged to immediately undertake measures aimed at preventing the destruction or alteration of a computer data. A body undertaking the search may order to a professional assistant to carry out these measures.

(3) A person who uses s computer or has access to a computer or another device or a computer-data storage medium, as well as the provider of telecommunication services, who, with no justified reasons shall not proceed according to paragraphs 1 and 2 of this article, investigating judge may, at the motion of state attorney, punish, according to the provision of article 259, paragraph 1 of this Code. The provision on punishment shall not apply to a defendant.

Article 261 Temporary seizure of objects

(1) Objects which are subject to seizure pursuant to Criminal Code, or which may serve for establishing of facts in the proceedings, shall be temporary seized and their keeping shall be ensured.

(2) Whoever keeps such objects, shall be obliged to, at the motion of state attorney, deliver them to the investigator or the police. State attorney, investigator or police shall warn the holder of these objects to the consequences arising from the refusal to proceed according to the motion.

(3) A person who does not proceed in accordance with the request for delivery , although there are no justified reasons for that, investigating judge may, at the justified proposal of the state attorney, punish, pursuant to article 259, paragraph 1 of this Code.

(4) Measures referred to in paragraph 2 of this article, may not apply to the defendant or to persons having judicial immunity of witness (article 285).

Article 263

(1) Provisions referred to in article 261 of this Code shall also refer to data stored in computers and devices connected with it, devices for the collection and transmission of data, computer-data storage medium as well as to the subscribers information at the disposal of service provider, except in cases when, pursuant to article 262 of this Code, temporary seizure of objects is forbidden.

(2) Data referred to in paragraph 1 of this article shall be, on the written motion of state attorney, submitted to state attorney in their integral, original, readable and intelligible form. In his motion, the state attorney shall determine deadline

	<p>for the submission of the data. In the case of refusal of the submission of data, proceedings pursuant to article 259, paragraph 1 of this Code may apply.</p> <p>(3) Data referred to in paragraph 1 of this article, shall be recorded in a real-time by the body performing the recording. Upon the collection, recording, protection and keeping of data, provisions related to the protection of secrecy of certain data (article 186 through 188) shall be observed. According to the circumstances, data which are not related to a criminal offense for which it is being proceeded, and which a person against whom measure is being implemented needs, may be recorded on an adequate media and returned to that person prior to the termination of proceedings.</p> <p>(4) At the motion of state attorney, investigating judge may, by issuing decision, determine the protection and keeping of all computer data referred to in paragraph 1 of this article, until it is necessary, but no longer than for the period of six months. After that, computer data shall be returned provided that:</p> <ol style="list-style-type: none"> 1) they are not included in the perpetration of the following criminal offenses from Criminal Code: infringement of confidentiality, integrity and availability of computer data, program or system (article 223), computer forgery (article 223a) and computer fraud (article 224a), 2) they are not included in the perpetration of another criminal offense committed by means of a computer system and which is pursued ex officio, 3) they do not serve as evidence of criminal offense for which proceedings are being conducted. <p>(5) Against the decision of investigating judge by which the measures referred to in paragraph 3 of this article are established, a person using the computer and a person acting as service provider shall have the right to appeal within 24 hours. The panel shall decide on the appeal within the period of three days. Filing an appeal shall not postpone the execution of the decision.</p>
<p>Article 20 – Real-time collection of traffic data</p> <p>1 Each Party shall adopt such legislative and other measures as may be necessary to empower its competent authorities to:</p> <ol style="list-style-type: none"> a collect or record through the application of technical means on the territory of that Party, and b compel a service provider, within its existing technical capability: <ol style="list-style-type: none"> i to collect or record through the application of technical means on the territory of that Party; or 	<p>Criminal Procedure Act Article 332, 333, 334 and 335</p> <p>Article 332</p> <p>(1) If the investigation can not be conducted in another way or if this is possible only under significant difficulties, investigating judge may, at the state attorney’s written motion stating the reasons, against a person for whom there is reasonable doubt that he committed or participated together with other persons in a criminal offense referred to in article 334 of this Code, by a written and justified warrant order special evidential actions by which constitutional</p>

<p>ii to co-operate and assist the competent authorities in the collection or recording of, traffic data, in real-time, associated with specified communications in its territory transmitted by means of a computer system.</p> <p>2 Where a Party, due to the established principles of its domestic legal system, cannot adopt the measures referred to in paragraph 1.a, it may instead adopt legislative and other measures as may be necessary to ensure the real-time collection or recording of traffic data associated with specified communications transmitted in its territory, through the application of technical means on that territory.</p> <p>3 Each Party shall adopt such legislative and other measures as may be necessary to oblige a service provider to keep confidential the fact of the execution of any power provided for in this article and any information relating to it.</p> <p>4 The powers and procedures referred to in this article shall be subject to Articles 14 and 15.</p>	<p>rights of citizens shall be temporary limited, such as:</p> <ol style="list-style-type: none"> 1) surveillance and technical recording of telephone conversations and other distance communication, 2) interception, collection and recording of computer data, 3) entry into premises in order to conduct surveillance and technical recording of premises, 4) secret surveillance and technical recording of persons and objects, 5) use of undercover investigators and a confidant, 6) simulated sale and purchase of objects, simulated soliciting and accepting of bribery, 7) provision of simulated business services or conclusion of simulated legal businesses, 8) monitoring transport and delivery of objects of criminal offense. <p>(2) Exceptionally, when circumstances warrant that the execution of actions be immediately undertaken, the state attorney may, prior to the beginning of investigation, issue the warrant for 24 hours referred to in paragraph 1 of this article. A warrant with a specified time of issuance and justification of state attorney shall be submitted to the investigating judge within the period of eight hours. Investigating judge shall immediately decide on the legality of a warrant. If the warrant is approved the state attorney shall proceed according to paragraph 1 of this article. If investigating judge refuses the warrant, state attorney may, within the period of eight hours, file an appeal. The panel shall decide on the appeal within the period of twelve hours.</p> <p>(3) If the panel does not approve of the warrant, it shall issue the decision ordering that the proceedings be immediately terminated, and data procured on the basis of the warrant of state attorney shall be delivered to the investigating judge who shall then destroy them. A record of the destruction of the data shall be made by investigating judge.</p> <p>(4) Actions referred to in item 1, paragraph 1 of this article may be ordered against persons when there is basis for doubt that they transmit information and messages to, and from the perpetrator of the criminal offense referred to in article 334 of this Code related to the offense, i.e. that the perpetrator is using their telephone connections or other telecommunication devices, which conceal the perpetrator of a criminal offense or that they, by concealing the means by which a criminal offense was committed, traces of a criminal offense or objects resulting from, or procured by a criminal offence or in another way, are helping the perpetrator of a criminal offense not to be revealed.</p>
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(5) Under the conditions referred to in paragraph 1 of this article, actions referred to in paragraph 1, items 1, 2, 3, 4, 6, 7 and 8 of this article, may, with the written consent of the persons, apply to assets, premises and objects of these persons.

(6) In the case when identities of participants in a criminal offense are unknown, the action referred to in paragraph 1, item 8 of this article may be established for the object of criminal offense.

(7) The execution of actions referred to in paragraph 1, items 5 and 6 of this article shall not be considered as an incentive for the perpetration of a criminal offense.

Article 333

(1) Records, documents and objects procured by the execution of actions referred to in article 332, paragraph 1, items 1 through 8 of this Code, and may be used as evidence in the proceedings.

(2) An undercover investigator and a confidant may be interrogated in the capacity of a witness about the content of conversation held with persons against whom the action referred to in article 332, paragraph 1, items 5 through 8 of this Code has been ordered, as well as about the content of conversation held with all participants to a criminal offense for which discovery and proving that action has been established, and their testimony may be used as evidence in the proceedings.

(3) A verdict and evaluation of the unlawfulness of evidence shall not be based exclusively on the testimony of a witness referred to in paragraph 2 of this article.

Article 334

(1) Special evidential actions referred to in article 332, paragraph 1 of this Code may be ordered for the following criminal offenses from Criminal Code:

1) against the Republic of Croatia (Chapter XII), against values protected by international law (Chapter XIII), against sexual freedom and sexual moral (Chapter XIV) and against the armed forces of the Republic of Croatia (Chapter XXVI), for which a sentence to imprisonment from five to more years is prescribed,

2) homicide (article 90), abduction (article 125), pimping (article 195), child pornography on a computer system or network (article 197 a), robbery (article 218, paragraph 2), infringement of confidentiality, integrity and availability of a

computer data, program or system (article 223), computer forgery (article 223 a), fraud to the detriment of the European Communities (article 224b), extortion (article 234), blackmailing (article 235), serious criminal offenses against general safety (article 271), money forgery (article 274), money laundering (article 279), accepting bribery in business activities (article 294 a), soliciting bribery in business activities (article 294b), avoidance of customs surveillance (article 298), prevention of evidence making (article 304), coercion against a judicial official (article 309), associations for the perpetration of a criminal offense (article 333) as well as for criminal offenses committed by that group or criminal organization in acquiring unlawful possession of weapons and explosive substances (article 335), misuse of position and authority (article 337), misuse in performing state administration duty (article 338), illegal mediation (article 343), accepting bribery (article 347) and soliciting bribery (article 348),

3) using children or minors for pornography (article 196), making children familiar with pornography (article 197), infringement of the right of author or performing artist (article 229), unauthorized use of authors work or performing artist performance (article 230), infringement of right of the producers of audio or image recording and the rights related to radio-diffused broadcasts (article 231), infringement of rights from registered or protected patent (article 232), infringement of industrial property rights and unauthorized use of someone else's company (article 285), providing these offenses have been committed by means of a computer system or network,

4) for which a long-time imprisonment is prescribed.

(2) Special evidential actions referred to in article 332 paragraph 1 of this Code may be also ordered for criminal offenses committed to the detriment of children or minors.

Article 335

(1) In the order referred to in article 332, paragraph 1 of this Code available data are listed about a person against who special evidential actions are being implemented, the facts from which arises the need for undertaking these actions, period of duration, the manner, scope and the place of the conduct of the action appropriate for the realization of the aim. Actions shall be carried out by the police. Official and responsible persons participating in the procedure of decision-making and the execution of the actions referred to in article 332 of this Code shall be obliged to preserve the secrecy of all data learned in relation to the actions.

(2) Operational Technology Centre for Surveillance of Telecommunications of the Republic of Croatia (hereinafter: OTC) performing technical coordination with telecommunication services provider in Croatia the as well as providers of telecommunication services shall be obliged to ensure all necessary technical assistance to the police. Any acting of the provider of telecommunication service contrary to this obligation, investigating judge shall, at the justified motion of state attorney, punish by a fine up to HRK 1,000,000.00 and the responsible person in OTC as well as that of the provider of telecommunication services by a fine in the amount not exceeding HRK 50,000.00. If, after that a responsible person does not execute the decision, he may be punished by a maximum of one month imprisonment until the execution. Appeal filed against the decision by which a monetary fine or imprisonment is imposed, shall be decided by the panel. An appeal against decision imposing a fine or imprisonment, shall not postpone the execution of decision.

(3) Special evidential actions may last no longer than for the period of six months. At the motion of state attorney, investigating judge may extend those actions on the ground of important reasons for additional six months. In particularly complex cases investigating judge may extend the actions yet for another six months. If investigating judge refuses the motion of state attorney for the extension of action, he shall issue the decision against which state attorney may file an appeal within the period of eight hours. Appeal shall be decided by the panel within the period of twelve hours.

(4) As soon as the preconditions referred to in article 332, paragraph 1 of this Code have ceased, investigating judge shall be obliged to order the termination of the undertaken actions. If state attorney renounces from criminal prosecution, i.e. if the data and information procured by the implementation of the undertaken actions are not needed for criminal proceedings, these shall be destroyed under the monitoring of investigating judge, who shall make official notes about it.

(5) The warrant referred to in paragraph 1 of this article shall be kept in a special envelope. After the termination of the action and earlier, if the results of proceeding so allow, a warrant may be delivered to a person against whom the action has been ordered, on her request.

(6) If, during the execution of the actions referred to in article 332, paragraph 1 of this Code, the recorded data and information point to another criminal offense and the perpetrator referred to in article 334 of this Code, that part of the record shall be copied and submitted to the state attorney, and may be used as

	<p>evidence in the proceedings for that criminal offense.</p> <p>(7) Provisions of articles 75, 76 and 114 of this Code shall apply to the conversations of the defendant with the attorney-at-law in the appropriate manner.</p> <p>(8) If the actions referred to in article 332 of this Code are undertaken contrary to the provision referred to in article 332 of this Code, evidence that became known from the data procured in such a way shall not be used as evidence in the proceedings.</p>
<p>Article 21 – Interception of content data</p> <p>1 Each Party shall adopt such legislative and other measures as may be necessary, in relation to a range of serious offences to be determined by domestic law, to empower its competent authorities to:</p> <p>a collect or record through the application of technical means on the territory of that Party, and</p> <p>b compel a service provider, within its existing technical capability:</p> <p> i to collect or record through the application of technical means on the territory of that Party, or</p> <p> ii to co-operate and assist the competent authorities in the collection or recording of, content data, in real-time, of specified communications in its territory transmitted by means of a computer system.</p> <p>2 Where a Party, due to the established principles of its domestic legal system, cannot adopt the measures referred to in paragraph 1.a, it may instead adopt legislative and other measures as may be necessary to ensure the real-time collection or recording of content data on specified communications in its territory through the application of technical means on that territory.</p> <p>3 Each Party shall adopt such legislative and other measures as may be necessary to oblige a service provider to keep confidential the fact of the execution of any power provided for in this article and any information relating to it.</p> <p>4 The powers and procedures referred to in this article shall be subject to Articles 14 and 15.</p>	<p>Criminal Procedure Act Article 332, 333, 334 and 335</p> <p>Article 332</p> <p>(1) If the investigation can not be conducted in another way or if this is possible only under significant difficulties, investigating judge may, at the state attorney’s written motion stating the reasons, against a person for whom there is reasonable doubt that he committed or participated together with other persons in a criminal offense referred to in article 334 of this Code, by a written and justified warrant order special evidential actions by which constitutional rights of citizens shall be temporary limited, such as:</p> <ol style="list-style-type: none"> 1) surveillance and technical recording of telephone conversations and other distance communication, 2) interception, collection and recording of computer data, 3) entry into premises in order to conduct surveillance and technical recording of premises, 4) secret surveillance and technical recording of persons and objects, 5) use of undercover investigators and a confidant, 6) simulated sale and purchase of objects, simulated soliciting and accepting of bribery, 7) provision of simulated business services or conclusion of simulated legal businesses, 8) monitoring transport and delivery of objects of criminal offense. <p>(2) Exceptionally, when circumstances warrant that the execution of actions be immediately undertaken, the state attorney may, prior to the beginning of investigation, issue the warrant for 24 hours referred to in paragraph 1 of this article. A warrant with a specified time of issuance and justification of state attorney shall be submitted to the investigating judge within the period of eight hours. Investigating judge shall immediately decide on the legality of a warrant.</p>

If the warrant is approved the state attorney shall proceed according to paragraph 1 of this article. If investigating judge refuses the warrant, state attorney may, within the period of eight hours, file an appeal. The panel shall decide on the appeal within the period of twelve hours.

(3) If the panel does not approve of the warrant, it shall issue the decision ordering that the proceedings be immediately terminated, and data procured on the basis of the warrant of state attorney shall be delivered to the investigating judge who shall then destroy them. A record of the destruction of the data shall be made by investigating judge.

(4) Actions referred to in item 1, paragraph 1 of this article may be ordered against persons when there is basis for doubt that they transmit information and messages to, and from the perpetrator of the criminal offense referred to in article 334 of this Code related to the offense, i.e. that the perpetrator is using their telephone connections or other telecommunication devices, which conceal the perpetrator of a criminal offense or that they, by concealing the means by which a criminal offense was committed, traces of a criminal offense or objects resulting from, or procured by a criminal offense or in another way, are helping the perpetrator of a criminal offense not to be revealed.

(5) Under the conditions referred to in paragraph 1 of this article, actions referred to in paragraph 1, items 1, 2, 3, 4, 6, 7 and 8 of this article, may, with the written consent of the persons, apply to assets, premises and objects of these persons.

(6) In the case when identities of participants in a criminal offense are unknown, the action referred to in paragraph 1, item 8 of this article may be established for the object of criminal offense.

(7) The execution of actions referred to in paragraph 1, items 5 and 6 of this article shall not be considered as an incentive for the perpetration of a criminal offense.

Article 333

(1) Records, documents and objects procured by the execution of actions referred to in article 332, paragraph 1, items 1 through 8 of this Code, and may be used as evidence in the proceedings.

(2) An undercover investigator and a confidant may be interrogated in the capacity of a witness about the content of conversation held with persons against whom the action referred to in article 332, paragraph 1, items 5 through 8 of this Code has been ordered, as well as about the content of conversation

held with all participants to a criminal offense for which discovery and proving that action has been established, and their testimony may be used as evidence in the proceedings.

(3) Verdict and evaluation as to unlawfulness of evidence shall not be based exclusively on the testimony of a witness referred to in paragraph 2 of this article.

Article 334

(1) Special evidential actions referred to in article 332, paragraph 1 of this Code may be ordered for the following criminal offenses from Criminal Code:

1) against the Republic of Croatia (Chapter XII), against values protected by international law (Chapter XIII), against sexual freedom and sexual moral (Chapter XIV) and against the armed forces of the Republic of Croatia (Chapter XXVI), for which a sentence to imprisonment from five to more years is prescribed,

2) homicide (article 90), abduction (article 125), pimping (article 195), child pornography on a computer system or network (article 197 a), robbery (article 218, paragraph 2), infringement of confidentiality, integrity and availability of a computer data, program or system (article 223), computer forgery (article 223 a), fraud to the detriment of the European Communities (article 224b), extortion (article 234), blackmailing (article 235), serious criminal offenses against general safety (article 271), money forgery (article 274), money laundering (article 279), accepting bribery in business activities (article 294 a), soliciting bribery in business activities (article 294b), avoidance of customs surveillance (article 298), prevention of evidence making (article 304), coercion against a judicial official (article 309), associations for the perpetration of a criminal offense (article 333) as well as for criminal offenses committed by that group or criminal organization in acquiring unlawful possession of weapons and explosive substances (article 335), misuse of position and authority (article 337), misuse in performing state administration duty (article 338), illegal mediation (article 343), accepting bribery (article 347) and soliciting bribery (article 348),

3) using children or minors for pornography (article 196), making children familiar with pornography (article 197), infringement of the right of author or performing artist (article 229), unauthorized use of authors work or performing artist performance (article 230), infringement of right of the producers of audio or image recording and the rights related to radio-diffused broadcasts (article 231), infringement of rights from registered or protected patent (article 232),

infringement of industrial property rights and unauthorized use of someone else's company (article 285), providing these offenses have been committed by means of a computer system or network,
4) for which a long-time imprisonment is prescribed.
(2) Special evidential actions referred to in article 332 paragraph 1 of this Code may be also ordered for criminal offenses committed to the detriment of children or minors.

Article 335

(1) In the order referred to in article 332, paragraph 1 of this Code available data are listed about a person against who special evidential actions are being implemented, the facts from which arises the need for undertaking these actions, period of duration, the manner, scope and the place of the conduct of the action appropriate for the realization of the aim. Actions shall be carried out by the police. Official and responsible persons participating in the procedure of decision-making and the execution of the actions referred to in article 332 of this Code shall be obliged to preserve the secrecy of all data learned in relation to the actions.

(2) Operational Technology Centre for Surveillance of Telecommunications of the Republic of Croatia (hereinafter: OTC) performing technical coordination with telecommunication services provider in Croatia the as well as providers of telecommunication services shall be obliged to ensure all necessary technical assistance to the police. Any acting of the provider of telecommunication service contrary to this obligation, investigating judge shall, at the justified motion of state attorney, punish by a fine up to HRK 1,000,000.00 and the responsible person in OTC as well as that of the provider of telecommunication services by a fine in the amount not exceeding HRK 50,000.00. If, after that a responsible person does not execute the decision, he may be punished by a maximum of one month imprisonment until the execution. Appeal filed against the decision by which a monetary fine or imprisonment is imposed, shall be decided by the panel. An appeal against decision imposing a fine or imprisonment, shall not postpone the execution of decision.

(3) Special evidential actions may last no longer than for the period of six months. At the motion of state attorney, investigating judge may extend those actions on the ground of important reasons for additional six months. In particularly complex cases investigating judge may extend the actions yet for another six months. If investigating judge refuses the motion of state attorney

	<p>for the extension of action, he shall issue the decision against which state attorney may file an appeal within the period of eight hours. Appeal shall be decided by the panel within the period of twelve hours.</p> <p>(4) As soon as the preconditions referred to in article 332, paragraph 1 of this Code have ceased, investigating judge shall be obliged to order the termination of the undertaken actions. If state attorney renounces from criminal prosecution, i.e. if the data and information procured by the implementation of the undertaken actions are not needed for criminal proceedings, these shall be destroyed under the monitoring of investigating judge, who shall make official notes about it.</p> <p>(5) The warrant referred to in paragraph 1 of this article shall be kept in a special envelope. After the termination of the action and earlier, if the results of proceeding so allow, a warrant may be delivered to a person against whom the action has been ordered, on her request.</p> <p>(6) If, during the execution of the actions referred to in article 332, paragraph 1 of this Code, the recorded data and information point to another criminal offense and the perpetrator referred to in article 334 of this Code, that part of the record shall be copied and submitted to the state attorney, and may be used as evidence in the proceedings for that criminal offense.</p> <p>(7) Provisions of articles 75, 76 and 114 of this Code shall apply to the conversations of the defendant with the attorney-at-law in the appropriate manner.</p> <p>(8) If the actions referred to in article 332 of this Code are undertaken contrary to the provision referred to in article 332 of this Code, evidence that became known from the data procured in such a way shall not be used as evidence in the proceeding.</p>
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Section 3 – Jurisdiction

Article 22 – Jurisdiction	Criminal law, HEAD II., articles 13.,14.,15., and 16. (OG 105/04.)
<p>1 Each Party shall adopt such legislative and other measures as may be necessary to establish jurisdiction over any offence established in accordance with Articles 2 through 11 of this Convention, when the offence is committed:</p> <ul style="list-style-type: none"> a in its territory; or b on board a ship flying the flag of that Party; or c on board an aircraft registered under the laws of that Party; or 	<p>Article 13</p> <p>(1) The criminal legislation of the Republic of Croatia shall apply to anyone who commits a criminal offense within its territory.</p> <p>(2) The criminal legislation of the Republic of Croatia shall also apply to anyone who commits a criminal offense aboard a domestic vessel, regardless of the location of such a vessel at the time the criminal offense is committed.</p>

<p>d by one of its nationals, if the offence is punishable under criminal law where it was committed or if the offence is committed outside the territorial jurisdiction of any State.</p> <p>2 Each Party may reserve the right not to apply or to apply only in specific cases or conditions the jurisdiction rules laid down in paragraphs 1.b through 1.d of this article or any part thereof.</p> <p>3 Each Party shall adopt such measures as may be necessary to establish jurisdiction over the offences referred to in Article 24, paragraph 1, of this Convention, in cases where an alleged offender is present in its territory and it does not extradite him or her to another Party, solely on the basis of his or her nationality, after a request for extradition.</p> <p>4 This Convention does not exclude any criminal jurisdiction exercised by a Party in accordance with its domestic law.</p> <p>When more than one Party claims jurisdiction over an alleged offence established in accordance with this Convention, the Parties involved shall, where appropriate, consult with a view to determining the most appropriate jurisdiction for prosecution.</p>	<p>(3) The criminal legislation of the Republic of Croatia shall also apply to anyone who commits a criminal offense aboard a domestic civil aircraft while in flight, or a domestic military aircraft, regardless of the location of such an aircraft at the time the criminal offense is committed.</p> <p>Applicability of Criminal Legislation to Criminal Offenses Committed Outside the Territory of the Republic of Croatia</p> <p>Article 14</p> <p>(1) The criminal legislation of the Republic of Croatia shall apply to anyone who, outside its territory, commits:</p> <ul style="list-style-type: none"> -any criminal offense against the Republic of Croatia provided for in Chapter (xii) of this Code; -the criminal offense of counterfeiting money and securities of the Republic of Croatia as defined in Articles 274 and 275 of this Code; -a criminal offense against a Croatian state official or a civil servant relating to his office. <p>(2) The criminal legislation of the Republic of Croatia shall be applied to a Croatian citizen who, outside the territory of the Republic of Croatia, commits a criminal offense other than those specified in paragraph 1 of this Article.</p> <p>(3) The criminal legislation of the Republic of Croatia shall be applied to an alien who, outside the territory of the Republic of Croatia, commits a criminal offense against the Republic of Croatia or its citizen which is not specified in paragraph 1 of this Article.</p> <p>(4) The criminal legislation of the Republic of Croatia shall be applied to an alien who, outside the territory of the Republic of Croatia, commits against a foreign state or another alien a criminal offense for which, under the law in force in the place of crime, a punishment of five years of imprisonment or a more severe penalty may be applied or who commits a criminal offense from Chapter (xiii) of this Code.</p> <p>(5) In the cases referred to in paragraphs 2 and 3 of this Article, the criminal legislation of the Republic of Croatia shall be applied only if the perpetrator of the criminal offense is found within the territory of the Republic of Croatia, or has been extradited to it, and in the case referred to in paragraph 4 of this Article, only if the perpetrator is found within the territory of the Republic of Croatia and is not extradited to another state.</p> <p>Particularities Regarding the Institution of Criminal Proceedings for Criminal Offenses Committed within the Territory of the Republic of Croatia</p>
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Article 15

(1) When, in the case of the applicability of the criminal legislation of the Republic of Croatia pursuant to Article 13 of this Code, criminal proceedings have commenced or are terminated in a foreign state, criminal proceedings in the Republic of Croatia shall be instituted only upon approval of the State Attorney of the Republic of Croatia.

(2) When, in the case of the applicability of the criminal legislation of the Republic of Croatia pursuant to Article 13 of this Code, the perpetrator of a criminal offense is an alien, criminal proceedings may, under conditions of reciprocity, be ceded to the foreign state.

(3) The decision on ceding criminal proceedings in the case referred to in paragraph 2 of this Article shall be passed by the State Attorney of the Republic of Croatia.

Particularities Regarding the Institution of Criminal Proceedings for Criminal Offenses Committed outside the Territory of the Republic of Croatia.

Article 16

(1) In the cases specified in Article 14, paragraphs 2, 3 and 4 of this Code, criminal proceedings for the purposes of applying the criminal legislation of the Republic of Croatia shall not be instituted:

–if the perpetrator has served in full the sentence imposed on him in a foreign state;

–if the perpetrator has been acquitted by a final judgment in a foreign state, or if he has been pardoned, or if the statutory time limitation has expired under the law in force at the place of crime;

–if, under the law in force at the place of the crime, criminal proceedings may be instituted only upon a motion, a consent or a private charge of the person against whom the criminal offense had been committed, and such a motion was not made or a private charge was not brought, or the consent was not given.

(2) If, in the cases specified in Article 14, paragraphs 2, 3 and 4 of this Code, such an act does not constitute a criminal offense under the law in force in the - country of the perpetration, criminal proceedings may be instituted only upon the approval of the State Attorney of the Republic of Croatia.

(3) In the case referred to in Article 14, paragraph 4 of this Code, when the committed act is not punishable under the law in force in the country in which it was committed but is deemed to be a criminal offense according to the general

	<p>principles of law of the international community, the State Attorney of the Republic of Croatia may authorize the institution of criminal proceedings in the Republic of Croatia and the application of the criminal legislation of the Republic of Croatia.</p>
<p>Chapter III – International co-operation</p>	
<p>Article 24 – Extradition</p> <p>1 a This article applies to extradition between Parties for the criminal offences established in accordance with Articles 2 through 11 of this Convention, provided that they are punishable under the laws of both Parties concerned by deprivation of liberty for a maximum period of at least one year, or by a more severe penalty.</p> <p>b Where a different minimum penalty is to be applied under an arrangement agreed on the basis of uniform or reciprocal legislation or an extradition treaty, including the European Convention on Extradition (ETS No. 24), applicable between two or more parties, the minimum penalty provided for under such arrangement or treaty shall apply.</p> <p>2 The criminal offences described in paragraph 1 of this article shall be deemed to be included as extraditable offences in any extradition treaty existing between or among the Parties. The Parties undertake to include such offences as extraditable offences in any extradition treaty to be concluded between or among them.</p> <p>3 If a Party that makes extradition conditional on the existence of a treaty receives a request for extradition from another Party with which it does not have an extradition treaty, it may consider this Convention as the legal basis for extradition with respect to any criminal offence referred to in paragraph 1 of this article.</p> <p>4 Parties that do not make extradition conditional on the existence of a treaty shall recognise the criminal offences referred to in paragraph 1 of this article as extraditable offences between themselves.</p> <p>5 Extradition shall be subject to the conditions provided for by the law of the requested Party or by applicable extradition treaties, including the grounds on which the requested Party may refuse extradition.</p> <p>6 If extradition for a criminal offence referred to in paragraph 1 of this article is refused solely on the basis of the nationality of the person sought, or</p>	<p>Law about international legal aid in criminal matters, articles 32. – 61. (OG 178/04.).</p> <p>Article 32</p> <p>(1) A Croatian national may not be extradited for criminal prosecution or enforcement of a prison sentence in a foreign state, nor he may be transferred as a convicted person from the Republic of Croatia to another state for the purpose of serving the prison sentence.</p> <p>(2) The provision of paragraph 1 of this Article shall not apply in cases of temporary transfer of a Croatian national to the domestic judicial authority for the purpose of undertaking certain actions within the criminal proceedings in the Republic of Croatia.</p> <p>Extradition of a foreigner</p> <p>Article 33</p> <p>A foreigner may be extradited to another state for the purpose of criminal prosecution or enforcement of a sanction implying deprivation of liberty, if that state requested extradition or has taken over criminal prosecution or enforcement of a criminal verdict, upon request of the Republic of Croatia, i.e. with its consent.</p> <p>Article 34</p> <p>(1) A foreigner who has been prosecuted or convicted based on a decision of a foreign judicial authority of the requesting state, for criminal offences punishable pursuant to the law of that state, shall be extradited to that state, for the purpose of carrying out the criminal proceedings, i.e. enforcement of sanctions which include deprivation of liberty, provided that the domestic law incorporates corresponding essential features of the relevant offences.</p> <p>(2) Extradition for the purpose of carrying out criminal proceedings may only be granted for offences that are punishable pursuant to the domestic law by prison</p>

because the requested Party deems that it has jurisdiction over the offence, the requested Party shall submit the case at the request of the requesting Party to its competent authorities for the purpose of prosecution and shall report the final outcome to the requesting Party in due course. Those authorities shall take their decision and conduct their investigations and proceedings in the same manner as for any other offence of a comparable nature under the law of that Party.

7 a Each Party shall, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, communicate to the Secretary General of the Council of Europe the name and address of each authority responsible for making or receiving requests for extradition or provisional arrest in the absence of a treaty.

b The Secretary General of the Council of Europe shall set up and keep updated a register of authorities so designated by the Parties. Each Party shall ensure

or security measure implying deprivation of liberty for the longest period of at least one year or by application of a more severe penalty.

(3) Extradition for the purpose of enforcement of sanctions including deprivation of liberty may be granted when, in cases of offences referred to in paragraph 1 of this Article, a final verdict has been issued for the prison sentence or security measure implying detention, determined for a period of at least four months.

(4) As an exception, if the request for extradition covers several separate criminal offences out of which some fail to satisfy the conditions referred to in paragraphs 1 and 2 of this Article in respect of the duration of the penalty that may be determined or if the offences concern only pecuniary fine, the extradition may also be granted for these offences.

(5) Extradition shall be allowed if the requesting state guarantees that it would grant the request of the Republic of Croatia of the same kind.

Refusal to extradite

Article 35

(1) Extradition shall not be allowed:

1. if the person whose extradition is claimed is a national of the Republic of Croatia,
2. if an offence for which the extradition is claimed was committed either on the territory of the Republic of Croatia, or against Croatia or its national,
3. if the offence for which extradition is claimed is not a criminal offence in both domestic law and the law of the state in which it was committed,
4. if, pursuant to domestic law, a statute of limitation for criminal prosecution or statute of limitation for execution of the punishment has occurred prior to putting the foreigner in detention or prior to his interrogation as a prosecuted person,
5. if a foreigner whose extradition is claimed had already been convicted for the same offence by the domestic court, or if he was finally acquitted in respect of that same offence by the domestic court, unless conditions are met for re-trial as envisaged by the Criminal Procedure Act, or if the criminal proceedings have been initiated in the Republic of Croatia against the foreigner for the same offence committed against the Republic of Croatia. In case of proceedings initiated due to an offence committed towards the national of the Republic of Croatia – if no security has been deposited for realization of material claim of the injured person,
6. if identity of a person whose extradition is claimed has not been determined,

7. if there are no sufficient evidence for reasonable doubt that the foreigner whose extradition is claimed has committed a particular criminal offence and that there exists a final verdict.

(2) Extradition may be refused if the Republic of Croatia may take over the prosecution of an offence or enforcement of the criminal verdict, and this seems to be appropriate considering the social rehabilitation of the prosecuted person.

Article 36

A foreigner subject to jurisdiction of the Republic of Croatia may exceptionally be extradited to another state if justified by special circumstances, and particularly by possibility of social rehabilitation.

Rule of speciality

Article 37

(1) Extradition shall be allowed provided that the requesting state, in respect of the extradited person:

1. does not prosecute, punish or extradite that person to a third state for any offence committed prior to extradition, in respect of an offence for which extradition has not been granted,
2. does not restrict his personal rights due to the reasons which have not occurred in relation to extradition,
3. does not bring him before a special court.

(2) Conditions referred to in paragraph 1 points 1 and 2 of this Article shall not apply:

1. if the extradited person expressly waives such conditions, or
2. if the extradited person, despite being warned of the consequences, fails to leave the state territory of the requesting state within 45 days after the probational or final release from detention, although he could have done so, or if he comes back to that territory after leaving the territory.

Additional request for extradition

Article 38

If the extradited person is charged for other criminal offences, the requesting state shall be allowed to carry out the criminal proceedings in respect of these offences, subject to conditions referred to in Articles 34, 35 and 37 of this Act.

Conflicting requests

Article 39

(1) If extradition is requested concurrently by more than one state for the same person and the same criminal offence, the extradition shall be granted to the state in whose territory the offence had been committed, or in whose territory majority of criminal activities have been committed in case of continuous¹ or permanent criminal offence, or in whose territory the organiser is domiciled in case of organized crime offences.

(2) Should a state request extradition of the same person for different criminal offences, the decision shall be reached having regard to all circumstances of the particular case, especially the seriousness of the offence, the respective dates of the requests, nationality of the person claimed, possibility of better social rehabilitation and subsequent extradition to a third state.

(3) The decision referred to in previous paragraphs of this article shall state the reasons.

Conditions for extradition to the Republic of Croatia**Article 40**

(1) If the criminal proceedings are pending in the Republic of Croatia against a person residing in a foreign country or if a domestic court has issued a final verdict against such a person, the Minister of Justice may transmit a request for extradition upon the request of a domestic judicial authority.

(2) If the claimed person is extradited, he shall be criminally prosecuted, i.e. a sanction may be enforced against that person, only for a criminal offence for which the extradition was granted, unless the person waived that right and the extraditing state has not imposed such a condition.

(3) The request referred to in paragraph 1 of this Article shall be supported by documents referred to in Article 43 of this Act.

Article 41

(1) If a foreign state granted extradition subject to certain conditions in respect of the type or duration of penalty which may be sentenced, i.e. enforced, and the extradition is accepted subject to such conditions, the court is bound by such conditions in sentencing the penalty. If the matter concerns an enforcement of

¹ Continuous criminal offence may summarily be described as an offence in which the perpetrator intentionally commits more of the same type of offences, which considering the manner of commission, time-link and other actual circumstances form a whole, in which case each of the offences will not be tried separately, but will be treated as one offence (such as if an employee repeatedly steals certain amounts of money within the period of several weeks).

Permanent criminal offence is an offence where the perpetrator has caused illegal situation and continues to maintain such a situation, so that as long as this illicit situation persists, the criminal offence is still not finished (such as kidnapping, abuse of narcotics, medical quackery etc).

an already sentenced verdict, the court who adjudicated in the final instance shall reverse the verdict and adjust the sentenced penalty to the conditions for extradition.

(2) If the extradited person was in custody in a foreign state due to a criminal offence that he was extradited for, the period of custody shall be deducted from the punishment.

Transit of the extradited person through the Republic of Croatia

Article 42

(1) If a foreign state claims extradition from another foreign state, and the transit of the extradited person should be through the territory of the Republic of Croatia, the Minister of Justice may allow transit to the requesting state, pursuant to the conditions necessary for granting extradition, referred to in Article 34 and 35 of this Act.

(2) Request for transit of extradited person through the state territory of the Republic of Croatia has to contain all data referred to in Article 43 of this Act.

(3) Costs of transit of the extradited person through the territory of the Republic of Croatia are borne by the state requesting extradition.

Part Two: PROCEDURE OF EXTRADITION

Request for extradition

Article 43

(1) Request for extradition contains data referred to in Article 8 paragraph 3 of this Act, and the request shall be supported by:

1. means to determine identity of the extradited person (detailed description, photographs, finger prints and alike),
2. indictment or a verdict or a detention order or any other corresponding act, either in original or certified copy, which should state the name and surname of the person whose extradition is claimed and other data necessary to determine his identity,
3. description of the offence, legal title of the offence and evidence for reasonable doubt,
4. excerpt from the text of the criminal act to be applied or has been applied to the extradited person concerning the offence for which extradition is claimed, and if the offence has been committed in the territory of a third county, then also an excerpt from the criminal law of that state.

(2) If the documents referred to in paragraph 1 of this Article have been

composed in a foreign language, the request should be supported by the translation into Croatian.

Request for temporary arrest for extradition

Article 44

In addition to the contents provided for in Article 8 paragraph 3 of this Act, the request for temporary arrest for extradition shall contain the following:

1. data to determine identity of a person whose arrest is claimed for extradition,
2. factual and legal description of the criminal offence,
3. statement of the judicial authority concerning existence of a final convicting verdict or a detention order,
4. statement that extradition shall be requested for the person whose arrest for extradition is claimed.

Article 45

The Ministry of Justice transmits the request for extradition, i.e. request for temporary arrest for the purpose of extradition, to the competent court on whose territory the person whose extradition is claimed either resides or is found.

Article 46

A person whose extradition is sought may be arrested for extradition based on a written request of a foreign judicial authority or, subject to condition of reciprocity, based on an international APB.

Detention order for extradition

Article 47

(1) The competent court issues a detention order for extradition, unless there is likelihood that the extradition shall not be granted, and the foreigner's stay in freedom does not endanger the extradition procedure.

(2) If a foreigner is not capable of being in detention or if justified by other reasons, the competent court may order other measures to guarantee his presence, instead of detention.

Revocation of detention

Article 48

(1) Investigative judge shall release the foreigner from detention when the reasons for detention cease to exist or if the request for extradition is not submitted within a term determined by him, having regard of all the

circumstances contained in the request for extradition, and which may not be longer than 40 days as of the day of placement into detention. Detention determined pursuant to Article 44 of this Act may be revoked if the request for extradition is not submitted within 18 days as of the foreigner's detention.

(2) The Ministry of Justice shall notify without delay the requesting state about the deadlines referred to in paragraph 1 of this Article. Upon request of the requesting state, the competent judicial authority may prolong detention for maximum of additional 30 days.

(3) If the extradited person is already in detention on certain other grounds, the deadline referred to in paragraph 1 of this Article will start as of the date of the detention order for extradition.

Prolongation and renewal of the detention

Article 49

(1) After the receipt of the request for extradition, the detention measure shall stay in force during the whole extradition procedure until expiry of the deadline for enforcement of a resolution on the extradition referred to in Article 59 of this Act.

(2) Should the extradited person be released from detention due to expiry of deadlines provided for in Article 48 paragraphs 1 and 2 of this Act, it is allowed to renew the detention for extradition if the requesting state re-submits the request for temporary arrest for extradition or a request for extradition.

Temporary seizure of articles

Article 50

(1) Upon a request of the requesting state, the domestic court may order search of the arrested person and premises.

(2) During the arrest, articles and monetary gain which may serve in the foreign criminal proceedings as evidence or originating from the criminal offence shall be temporarily seized.

(3) Measures referred to in paragraphs 1 and 2 of this Article may last until the issuance of a decision on detention for extradition, but for the maximum of 48 hours following the arrest.

Article 51

Notification on arrest, temporary seizure of articles, i.e. search of the arrested person and premises, shall be delivered to the Ministry of Justice without delay.

Right to be heard

Article 52

(1) When issuing a decision on detention for execution, the competent court shall determine whether the extradited person is a person identified in the request, and thereafter the court shall inform him without delay why and based on which evidence his extradition is claimed and invite him to state his defence. The court will explain to him the preconditions for extradition, and will familiarize him with his right to an appeal and right to an attorney, i.e. appoint him a defending attorney *ex officio* in cases of criminal offences for which the Criminal Procedure Act prescribes mandatory defence. He shall also notify the extradited person on the possibility of giving consent to surrender to the requesting state pursuant to the simplified extradition procedure and waiver of right referred to in Article 54 paragraph 1 of this Act.

(2) The extradited person will be questioned summarily on his personal circumstances, nationality and relations towards the requesting state, whether he objects to arrest or extradition and for what reasons. The extradited person's attorney may be present during questioning.

(3) Minutes on the questioning and defence shall be kept.

Pre-investigative actions

Article 53

(1) After the hearing pursuant to Article 52, paragraph 2 of this Act, the investigative judge shall carry out pre-investigative actions if necessary, in order to determine whether extradition preconditions are met.

(2) If criminal proceedings are pending in the Republic of Croatia against the extradited person, due to the same or other criminal offence, the investigative judge shall note that in the official records.

Simplified extradition procedure

Article 54

(1) Extradited person may give consent to be surrendered to the requesting state pursuant to the simplified extradition procedure, as well as waive the right referred to in Article 40 paragraph 2 of this Act, after which the competent court shall approve his extradition, unless there are reasons to the contrary.

(2) Consent and waiver referred to in paragraph 1 of this Article shall be entered

into the minutes before a competent court pursuant to the Criminal Procedure Act, in a way which proves that the extradited person acted voluntarily in this and was fully aware of the consequences.

(3) Consent and waiver referred to in paragraph 1 of this Article are irrevocable.

(4) The competent court shall notify the Ministry of Justice on the consent referred to in paragraph 1 of this Article without delay. The Ministry of Justice will, at latest within 10 days as of the extradited person's detention, notify the requesting state, which is not obliged to deliver the request for extradition in that case.

(5) If the extradited person gave his consent referred to in paragraph 1 of this Article, the court shall, after the expiry of the deadline referred to in paragraph 4 of this Article, carry out a simplified extradition procedure if the request for extradition has not been received yet.

(6) If the extradited person gave his consent referred to in paragraph 1 after the expiry of the deadline referred to in paragraph 4 of this Article, and the request for extradition was received in the meantime, the competent court may carry out a simplified extradition procedure.

(7) Simplified extradition procedure has equal effects of extradition and is subject to the same conditions. The requesting state shall be warned about this.

Resolution refusing the request for extradition

Article 55

(1) If the competent court finds that statutory preconditions for extradition have not been met, it shall issue a resolution refusing the request for extradition and deliver it without delay to the Supreme Court of the Republic of Croatia, which will either confirm, repeal or reverse the resolution after hearing the competent state attorney.

(2) A final resolution refusing the extradition shall be delivered to the Ministry of Justice, which will notify the requesting state thereof.

Resolution allowing extradition

Article 56

(1) When the judges' panel of the competent court finds that the statutory preconditions for extradition have been met, it shall issue a resolution to that effect.

(2) An appeal may be lodged against this resolution within 3 days. The Supreme

Court of the Republic of Croatia shall decide on the appeal.

Resolution of the Minister of Justice

Article 57

(1) A final resolution determining that the statutory preconditions for extradition have been met, shall be delivered together with the judicial record to the Ministry of Justice.

(2) The Minister of Justice shall issue a resolution whereby extradition is either allowed or not.

(3) In the resolution allowing the extradition, the Minister of Justice shall state the following:

1. that the extradited person may not be criminally prosecuted for another criminal offence committed anterior to extradition, unless he waived this right pursuant to Article 40 paragraph 2 of this Act,

2. that a punishment may not be imposed upon an extradited person for another criminal offence anterior to extradition, unless he waived this right pursuant to Article 40 paragraph 2 of this Act,

3. that the extradited person may not be extradited to a third state for criminal prosecution or enforcement of the prison sentence for an offence committed anterior to extradition, without the permission of the Minister of Justice of the Republic of Croatia.

(4) In addition to the aforementioned conditions, the Minister of Justice may impose other extradition preconditions to the requesting state in a resolution referred to in paragraph 2 of this Article.

(5) The resolution of the Minister of Justice referred to in paragraph 2 of this Article may not be appealed.

Enforceability of the resolution on extradition

Article 58

Resolution on extradition shall become enforceable:

1. when the Minister of Justice issues a resolution provided for in Article 57 paragraph 2 of this Act,

2. in case referred to in Article 54 of this Act, when the extradited person expressly agrees to be extradited.

Enforcement of the extradition

Article 59

	<p>(1) The Ministry of Interior is in charge of enforcement of the resolution on extradition, which will agree with the competent authority of the requesting state on the place and time of surrendering the extradited person.</p> <p>(2) Surrender of the extradited person must be executed at latest within 2 months as of the enforceability of the resolution on extradition.</p> <p>(3) If the requesting state does not take over the extradited person within eight days as of the agreed day of surrender referred to in paragraph 1 of this Article, the extradited person shall be released from detention. This deadline may be prolonged for the maximum of 30 days based on a justified request of the requesting state.</p> <p><i>Postponed surrender and temporary extradition</i></p> <p>Article 60</p> <p>(1) Enforcement of the extradition may be postponed until the completion of the criminal proceedings carried out for another criminal offence in the Republic of Croatia against the extradited person, or until the extradited person completes serving the prison sentence in the Republic of Croatia or a security measure of deprivation of liberty.</p> <p>(2) Temporary extradition may be allowed if it will not harmfully influence the criminal proceedings pending before a domestic court and if the requesting state guaranteed to keep the extradited person in detention during his stay in that state and to return the extradited person to the Republic of Croatia within the term determined by the Ministry of Justice.</p> <p>Article 61</p> <p>The Republic of Croatia shall bear the costs of bringing the extradited person from the requested state, and in case of extradition abroad, the Republic of Croatia shall bear the costs of detention and transport of the extradited person to the agreed location of surrender in the Republic of Croatia.</p>
<p>Article 25 – General principles relating to mutual assistance</p> <p>1 The Parties shall afford one another mutual assistance to the widest extent possible for the purpose of investigations or proceedings concerning criminal offences related to computer systems and data, or for the collection of evidence in electronic form of a criminal offence.</p> <p>2 Each Party shall also adopt such legislative and other measures as may be necessary to carry out the obligations set forth in Articles 27 through 35.</p>	<p>Law about international legal aid in criminal matters, article 1. (OG 178/04.)</p> <p>Article 1</p> <p>(1) This Act regulates mutual legal assistance in criminal matters (hereinafter: «mutual legal assistance»), unless provided otherwise by an international treaty.</p> <p>(2) Mutual legal assistance is provided in respect of criminal acts the punishment of which, at the time of the request for assistance, falls within the jurisdiction of</p>

<p>3 Each Party may, in urgent circumstances, make requests for mutual assistance or communications related thereto by expedited means of communication, including fax or e-mail, to the extent that such means provide appropriate levels of security and authentication (including the use of encryption, where necessary), with formal confirmation to follow, where required by the requested Party. The requested Party shall accept and respond to the request by any such expedited means of communication.</p> <p>4 Except as otherwise specifically provided in articles in this chapter, mutual assistance shall be subject to the conditions provided for by the law of the requested Party or by applicable mutual assistance treaties, including the grounds on which the requested Party may refuse co-operation. The requested Party shall not exercise the right to refuse mutual assistance in relation to the offences referred to in Articles 2 through 11 solely on the ground that the request concerns an offence which it considers a fiscal offence.</p> <p>5 Where, in accordance with the provisions of this chapter, the requested Party is permitted to make mutual assistance conditional upon the existence of dual criminality, that condition shall be deemed fulfilled, irrespective of whether its laws place the offence within the same category of offence or denominate the offence by the same terminology as the requesting Party, if the conduct underlying the offence for which assistance is sought is a criminal offence under its laws.</p>	<p>the judicial authorities of the requesting state.</p> <p>(3) Mutual legal assistance may also be afforded in misdemeanour proceedings brought by the administrative authorities, in respect of acts which are punishable under the Croatian law by pecuniary fine, by virtue of being infringements of the rule of law and where in such proceedings the decision of the administrative authority may give rise to proceedings before a court having subject matter jurisdiction in criminal matters.</p> <p>(4) Mutual legal assistance is also afforded in criminal proceedings referred to in paragraph 2 of this Article, and misdemeanour proceedings referred to in paragraph 3 of this Article, which are brought against legal persons.</p> <p>(5) Mutual legal assistance is also afforded in respect of the European Court of Human Rights and the European Court of Justice, as well as in respect of other international and supranational organisations whose member the Republic of Croatia may become, if so stipulated in an international treaty.</p>
<p>Article 26 – Spontaneous information</p> <p>1 A Party may, within the limits of its domestic law and without prior request, forward to another Party information obtained within the framework of its own investigations when it considers that the disclosure of such information might assist the receiving Party in initiating or carrying out investigations or proceedings concerning criminal offences established in accordance with this Convention or might lead to a request for co-operation by that Party under this chapter.</p> <p>2 Prior to providing such information, the providing Party may request that it be kept confidential or only used subject to conditions. If the receiving Party</p>	<p>Law about international legal aid in criminal matters, article 18. (OG 178/04.)</p> <p>Article 18</p> <p>(1) Without prejudice in any way to their own investigations or proceedings and subject to condition of reciprocity, domestic judicial authorities may, without prior request, forward to the competent foreign judicial authorities information obtained within the framework of their own investigations, which relate to criminal offences or breach of the rule of law referred to in Article 1 paragraph 3 of this Act, when they consider that the disclosure of such information might assist the receiving state in initiating or carrying out investigations or court proceedings or might lead to a request for mutual assistance by that state.</p>

<p>cannot comply with such request, it shall notify the providing Party, which shall then determine whether the information should nevertheless be provided. If the receiving Party accepts the information subject to the conditions, it shall be bound by them.</p>	<p>(2) Domestic judicial authority shall request from the foreign judicial authority to which it transmitted the information referred to in paragraph 1 of this Article, the communications on any action undertaken upon such information, as well as transmission of issued decisions, and it may also impose other conditions for the use of such information at the receiving state.</p> <p>(3) Information referred to in paragraph 1 of this Article shall be forwarded through the Ministry of Justice.</p>
<p>Article 27 – Procedures pertaining to mutual assistance requests in the absence of applicable international agreements</p> <p>1 Where there is no mutual assistance treaty or arrangement on the basis of uniform or reciprocal legislation in force between the requesting and requested Parties, the provisions of paragraphs 2 through 9 of this article shall apply. The provisions of this article shall not apply where such treaty, arrangement or legislation exists, unless the Parties concerned agree to apply any or all of the remainder of this article in lieu thereof.</p> <p>2 a Each Party shall designate a central authority or authorities responsible for sending and answering requests for mutual assistance, the execution of such requests or their transmission to the authorities competent for their execution.</p> <p>b The central authorities shall communicate directly with each other;</p> <p>c Each Party shall, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, communicate to the Secretary General of the Council of Europe the names and addresses of the authorities designated in pursuance of this paragraph;</p> <p>d The Secretary General of the Council of Europe shall set up and keep updated a register of central authorities designated by the Parties. Each Party shall ensure that the details held on the register are correct at all times.</p> <p>3 Mutual assistance requests under this article shall be executed in accordance with the procedures specified by the requesting Party, except where incompatible with the law of the requested Party.</p> <p>4 The requested Party may, in addition to the grounds for refusal established in Article 25, paragraph 4, refuse assistance if:</p> <p>a the request concerns an offence which the requested Party considers a political offence or an offence connected with a political offence, or</p> <p>b it considers that execution of the request is likely to prejudice its</p>	<p>Law about international legal aid in criminal matters, articles. 6. – 31. (OG 178/04.)</p> <p>Article 6</p> <p>(1) Domestic judicial authorities transmit the requests for mutual assistance and information referred to in Article 18 paragraph 1 of this Act to foreign competent authorities through the Ministry of Justice.</p> <p>(2) The Ministry of Justice has jurisdiction to receive requests for mutual assistance of foreign competent authorities, and transmit them without delay to domestic judicial authorities, unless evident that the request should be refused.</p> <p>(3) The Ministry of Justice may return the request to the foreign competent authority for corrections or supplements and determine an appropriate deadline for delivery of so corrected, i.e. supplemented request. After the expiry of the deadline, the request shall be executed according to the status in the judicial record.</p> <p>(4) As an exception to paragraph 1 of this Article, domestic judicial authorities may directly address the request for mutual legal assistance to a foreign judicial authority, when so explicitly provided by the provisions of this Act and subject to condition of reciprocity, or when such a communication is envisaged by an international treaty (direct communication).</p> <p>(5) In cases of direct communication referred to in paragraphs 4 and 7 of this Article, a domestic judicial authority shall communicate a copy of the request for mutual legal assistance to the Ministry of Justice.</p> <p>(6) In urgent cases and subject to reciprocity, the Ministry of Justice may transmit and receive requests for mutual legal assistance through the Interpol.</p> <p>(7) In cases of direct communication referred to in paragraph 4 of this Article, domestic judicial authorities may, provided they fulfil the obligation referred to in paragraph 5 of this Article, transmit and receive requests for mutual legal assistance through the Interpol.</p>

sovereignty, security, *ordre public* or other essential interests.

5 The requested Party may postpone action on a request if such action would prejudice criminal investigations or proceedings conducted by its authorities.

6 Before refusing or postponing assistance, the requested Party shall, where appropriate after having consulted with the requesting Party, consider whether the request may be granted partially or subject to such conditions as it deems necessary.

7 The requested Party shall promptly inform the requesting Party of the outcome of the execution of a request for assistance. Reasons shall be given for any refusal or postponement of the request. The requested Party shall also inform the requesting Party of any reasons that render impossible the execution of the request or are likely to delay it significantly.

8 The requesting Party may request that the requested Party keep confidential the fact of any request made under this chapter as well as its subject, except to the extent necessary for its execution. If the requested Party cannot comply with the request for confidentiality, it shall promptly inform the requesting Party, which shall then determine whether the request should nevertheless be executed.

9 a In the event of urgency, requests for mutual assistance or communications related thereto may be sent directly by judicial authorities of the requesting Party to such authorities of the requested Party. In any such cases, a copy shall be sent at the same time to the central authority of the requested Party through the central authority of the requesting Party.

b Any request or communication under this paragraph may be made through the International Criminal Police Organisation (Interpol).

c Where a request is made pursuant to sub-paragraph a. of this article and the authority is not competent to deal with the request, it shall refer the request to the competent national authority and inform directly the requesting Party that it has done so.

d Requests or communications made under this paragraph that do not involve coercive action may be directly transmitted by the competent authorities of the requesting Party to the competent authorities of the requested Party.

e Each Party may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, inform the Secretary General of the Council of Europe that, for reasons of efficiency,

(8) The Ministry of Justice shall transmit and receive through the Ministry of Foreign Affairs the requests for mutual legal assistance to/from a foreign state that has no international treaty in force with the Republic of Croatia, as well as in cases when an international treaty envisages use of special diplomatic channels.

Service of documents by post

Article 7

(1) Domestic judicial authorities may, subject to condition of reciprocity or if so envisaged by an international treaty, address procedural documents and judicial verdicts to the persons who find themselves abroad directly by mail.

(2) Procedural documents and judicial verdicts referred to in paragraph 1 of this Article shall be accompanied by a report stating that the addressee may obtain information regarding his or her rights and obligations concerning the service of documents.

(3) Procedural documents and judicial verdicts shall be transmitted to the persons who find themselves abroad in the Croatian language.

(4) If a domestic judicial authority knows or has reasons to believe that the addressee understands only some other language, the documents shall be accompanied by a translation into that other language.

(5) Domestic regulations shall apply to the validity of service.

Form and mandatory contents of the request

Article 8

(1) Domestic judicial authority shall act upon the request for mutual legal assistance of a foreign judicial authority if the request was transmitted in writing. The request, as well as attached documents, have to be accompanied by the translation into Croatian, and if this is not possible, into English. The translations have to be officially certified.

(2) A domestic judicial authority shall act upon a request for mutual legal assistance of a foreign judicial authority even if the request was transmitted via electronic or some other telecommunications means which provide written record, if it may establish its authenticity and if the foreign competent authority is willing, upon request, to deliver a written evidence on the manner of transmission and the original request.

(3) Unless provided otherwise by an international treaty or the provisions of this Act, the request for mutual legal assistance shall indicate the following:

1. place of issuance and the name of the competent authority making the

requests made under this paragraph are to be addressed to its central authority.

- request,
2. legal grounds to afford mutual legal assistance,
 3. detailed description of an act of mutual legal assistance sought and the reason for the request,
 4. legal title, short factual and legal description of the criminal offence (unless the request refers to service of judicial verdicts, depositions of parties, documents and alike),
 5. exact data and nationality of the person concerned and his status in the proceedings,
 6. in case of service of judicial writs, also the type of the writ to be served.

Article 9

- (1) In the mutual legal assistance proceedings, the prosecuted person may have a defending attorney.
- (2) Third persons concerned by the measure or act of mutual legal assistance may have proxies in the mutual legal assistance proceedings.
- (3) An appeal may be lodged against the decisions of domestic judicial authorities in the proceedings of affording mutual legal assistance.
- (4) An appeal against the decision issued pursuant to this Act does not delay its enforcement, unless it concerns a decision:
 1. of the county court of the Republic of Croatia, determining existence of legal preconditions for extradition, or
 2. granting return of articles or monetary gain to a foreign country.

Particularities in the manner of executing the request

Article 10

- (1) When affording mutual legal assistance, domestic judicial authority shall comply with the formalities and procedures expressly indicated in the request as necessary pursuant to the law of the requesting state, unless provided otherwise by an international treaty and provided that such formalities and procedures are not contrary to the principles of the domestic legal order.
- (2) Domestic judicial authority executes the request of a foreign judicial authority without delay, taking into account procedural deadlines, as well as other specially determined deadlines explained in the request.
- (3) If a domestic judicial authority may foresee that it shall not be able to observe a specially determined deadline for execution of the request, while the

explanation referred to in paragraph 2 of this Article expressly indicates that each postponement will lead to significant disruption of procedure before a foreign judicial authority, the domestic judicial authority shall indicate without delay the required time to execute the request. Domestic and foreign judicial authorities may thereafter agree on further acts required to be undertaken in connection with the request.

(4) If the request of a foreign judicial authority may not be executed, or may not be executed fully in compliance with the required conditions, the domestic judicial authority shall without delay inform the foreign judicial authority to this effect, indicating the conditions under which such request may be executed.

Article 11

(1) Upon explicit request of a foreign judicial authority, the domestic judicial authority shall inform of the place and date of execution of the request for mutual legal assistance.

(2) Upon explicit request of a foreign judicial authority, the domestic judicial authority may allow presence of a foreign official during the execution of the request for mutual legal assistance.

(3) A request referred to in paragraph 2 of this Article shall not be refused if this would likely avoid the need for supplementary requests for assistance.

Refusal of the request

Article 12

(1) Domestic competent authority may refuse the request for mutual legal assistance:

1. if the request concerns an offence which is considered to be a political offence, an offence connected with a political offence,
2. if the request concerns a fiscal offence,
3. if the execution of the request would prejudice the sovereignty, security, legal order or other essential interests of the Republic of Croatia,
4. if it may reasonably be assumed that a person whose extradition is claimed would be in case of extradition criminally prosecuted or punished on account of his race, religious beliefs, nationality, affiliation with a particular social group or on account of his political beliefs, i.e. that that person's position may be prejudiced for any of these reasons,
5. if it concerns an insignificant criminal offence.

(2) Criminal offences or attempts to commit criminal offences against the values

protected by international law, and participation in execution of such criminal offences, may not serve as basis for refusal of the request for mutual legal assistance in the context of paragraph 1 point 1 of this Article.

(3) Request for mutual legal assistance concerning the fiscal offence referred to in paragraph 1 point 2 of this Article shall not be refused solely based on the grounds it concerns an offence which is considered to be a fiscal offence pursuant to domestic law.

Article 13

(1) A domestic judicial authority shall refuse the request for mutual legal assistance:

1. if the prosecuted person has been acquitted in the Republic of Croatia for the same criminal offence based on the substantive-legal grounds or if a procedure against him has been discontinued, or if he was acquitted of the punishment, or if a sanction was executed or may not be executed pursuant to the law of the country in which the verdict has been passed,
2. if criminal proceedings are pending against the prosecuted person in the Republic of Croatia for the same criminal offence, unless the execution of the request might lead to a decision releasing the prosecuted person from custody,
3. if the criminal prosecution, execution of a sanction or of a security measure or protective measure pursuant to the domestic law would be barred due to the absolute statute of limitation.

(2) The provisions referred to in paragraph 1 points 1 and 3 of this Article shall not apply in cases of reversal of the final verdict in the requesting state.

Article 14

The decision refusing the request to afford mutual legal assistance must give reasons for such a decision, unless provided otherwise by an international treaty.

Postponed execution of the request

Article 15

Domestic judicial authority may postpone execution of the request for mutual legal assistance if such action would prejudice the course of the investigation, prosecution or proceedings pending before a domestic judicial authority, which are connected to the request. The domestic judicial authority shall inform the foreign judicial authority that transmitted the request.

Partial execution of the request

Article 16

If the request for mutual legal assistance concerns several facts which may fall under several domestic criminal-law provisions, and there are reasons to refuse some of them, the request shall be executed only in respect of the facts lacking the grounds for refusal.

Reciprocity

Article 17

(1) Domestic judicial authorities shall afford assistance in respect of the request for mutual legal assistance to a judicial authority of the state that has no international treaty on legal assistance in force with the Republic of Croatia, only if it may be expected based on the assurances provided by the requesting state that this state would execute corresponding request of the domestic judicial authority.

(2) Assurances referred to in paragraph 1 of this Article shall not be sought for the purpose of service of judicial verdicts, deposition of parties and other documents.

Spontaneous exchange of information

Article 18

(1) Without prejudice in any way to their own investigations or proceedings and subject to condition of reciprocity, domestic judicial authorities may, without prior request, forward to the competent foreign judicial authorities information obtained within the framework of their own investigations, which relate to criminal offences or breach of the rule of law referred to in Article 1 paragraph 3 of this Act, when they consider that the disclosure of such information might assist the receiving state in initiating or carrying out investigations or court proceedings or might lead to a request for mutual assistance by that state.

(2) Domestic judicial authority shall request from the foreign judicial authority to which it transmitted the information referred to in paragraph 1 of this Article, the communications on any action undertaken upon such information, as well as transmission of issued decisions, and it may also impose other conditions for the use of such information at the receiving state.

(3) Information referred to in paragraph 1 of this Article shall be forwarded

through the Ministry of Justice.

Costs

Article 19

(1) Remuneration of costs incurred in respect of afforded mutual legal assistance shall not be claimed, except:

1. costs incurred by the expert testimony,
2. costs incurred by a temporary transfer of persons deprived of liberty,
3. costs of substantial or extraordinary nature.

(2) Costs referred to in paragraph 1 point 3 of this Article shall be remunerated according to an arrangement between the Ministry of Justice and the competent authority of the foreign state in each individual case separately.

Special cases of communicating information on criminal offences

Article 20

(1) When the request for mutual legal assistance concerns a criminal offence related to trafficking in humans and slavery, money laundering, counterfeiting money, illicit production, processing and sale of narcotic substances and poisons, production and dissemination of pornographic material, criminal offences related to organized crime and terrorism, and other criminal offences for which centralisation of data has been provided under international agreements, the domestic judicial authority conducting criminal proceedings, i.e. authority affording mutual legal assistance, shall be bound immediately to transmit the data on such criminal offences and perpetrators to the Ministry of Interior, while the first-instance court shall in addition transmit a final verdict.

(2) If the request for legal assistance concerning the criminal offences referred to in paragraph 1 of this Article was forwarded to or received directly within the context of Article 8 paragraph 2 of this Act, the domestic judicial authority shall also transmit without delay the data referred to in paragraph 1 of this Article to the Ministry of Justice.

(3) At least once a year, the Ministry of Justice shall notify the foreign competent authority of all criminal convictions and measures in respect of nationals of that foreign state, entered into judicial records, unless provided otherwise by an international treaty.

(4) Upon a request of a foreign competent authority, the Ministry of Justice shall transmit in each individual case a transcript of the verdicts and measures on which it delivered notification, in the context of paragraph 3 of this Article, and it

may also deliver other information that it deems might be useful for subsequent measures at the requesting state.

Confidentiality

Article 21

(1) Upon a request of a foreign judicial authority, the Ministry of Justice and the domestic judicial authority shall keep confidential the request for mutual assistance and its substance, except to the extent necessary to execute the request.

(2) If the confidentiality condition referred to in paragraph 1 may not be upheld, the Ministry of Justice, i.e. domestic judicial authority shall notify the foreign judicial authority on this fact, without delay.

Article 22

Third persons who prove having legal interest may be present in the proceedings of mutual legal assistance and they are entitled to inspect the file, except:

1. if this is in the interest of criminal proceedings pending abroad,
2. for protection of essential interests of a foreign state, upon its request,
3. due to the nature or urgency of the measure undertaken,
4. due to the protection of justified interests of the parties to the proceedings,
5. if in the interest of criminal proceedings pending in the Republic of Croatia.

Provisional measures

Article 23

(1) Upon a request of a foreign judicial authority, the competent domestic judicial authority may issue a decision ordering provisional measures for securing the evidence, protection of endangered legal interests and other measures in compliance with the domestic law.

(2) Appeal against the decision referred to in paragraph 1 of this Article does not postpone its execution.

(3) Domestic judicial authority may partially grant the request referred to in paragraph 1 of this Article, or it may condition execution of such a request by time limitation.

Article 24

Upon a request of a foreign judicial authority, the domestic judicial authority may order measures temporarily restricting certain constitutional rights, subject to conditions provided by the Criminal Procedure Act.

Hearing of a person domiciled abroad

Article 25

(1) A person domiciled abroad, appearing in the Republic of Croatia on a summons by the domestic judicial authority, to testify as a witness or expert witness in the criminal proceedings, shall not be criminally prosecuted, or subject to any other restriction of his personal liberty due to reasons anterior to his arrival.

(2) The immunity provided for in paragraph 1 of this Article shall cease when the person upon leaving the state territory of the Republic of Croatia either returns or does not leave the state territory of the Republic of Croatia upon expiry of eight days as of the testimony.

Temporary transfer for testimony

Article 26

(1) Upon a request of a foreign judicial authority, a person who has been deprived of liberty in the Republic of Croatia, including Croatian nationals, may be temporarily transferred to a foreign judicial authority for the purpose of testimony as witness or for confrontation purposes, provided that the person is returned to the Republic of Croatia within a deadline determined by the domestic judicial authority, and provided that:

1. the person consents to temporary transfer,
2. the presence of a person is necessary at the criminal proceedings pending in the foreign state,
3. the temporary transfer is not liable to prolong his or her deprivation of liberty,
4. there are no other overriding grounds against temporary transfer.

(2) Person referred to in paragraph 1 of this Article who was temporarily transferred to a foreign judicial authority, shall remain in custody during the whole stay abroad, unless the domestic judicial authority applies for his or her release.

Article 27

When a person placed in custody based on a decision of a foreign judicial authority has been transferred to a domestic judicial authority, for the purpose of hearing in the criminal proceedings, the decision of the foreign judicial authority on placing in custody abroad shall also apply in the Republic of Croatia.

Treatment of the temporarily seized articles

Article 28

(1) Articles, documents or monetary gain which have been temporarily seized to be presented as evidence, as well as records and decisions, shall be made available to a foreign judicial authority upon its request, after the completion of the mutual legal assistance proceedings in the Republic of Croatia.

(2) Should a third person who acquired the right in good faith, the state authority or the injured party domiciled in the Republic of Croatia claim his/her right in the articles, documents or monetary gain referred to in paragraph 1 of this Article, such articles, documents or monetary gain shall be delivered only if the competent foreign authority guarantees their return free of charge after the completion of its proceedings.

(3) Delivery may be postponed, as long as the articles, documents or monetary gain are necessary at the criminal proceedings pending in the Republic of Croatia.

Article 29

(1) Articles or monetary gain which have been temporarily seized for security purposes may be delivered to a foreign judicial authority, upon its request, upon completion of the mutual legal assistance proceedings, for the purpose of seizure or return to an authorised person.

(2) Articles and monetary gain referred to in paragraph 1 of this Article encompass:

1. articles used to commit the criminal offence,
2. products of the criminal offence or their counter-value,
3. gain resulting from the criminal offence or their counter-value,
4. presents and other gifts as an incentive and reward to commit a criminal offence or their counter-value.

(3) Delivery may follow in any stage of foreign criminal proceedings, and it may only be executed based on a final and enforceable decision of a foreign judicial authority.

(4) Articles or monetary gain may be permanently detained in the Republic of Croatia if:

1. the injured person is domiciled in the Republic of Croatia, and the objects have to be returned to that person,
2. state authority claims the right of the Republic of Croatia in such objects,
3. person not participating in the offence, whose claims have not been

	<p>guaranteed through the requesting state, proves that he/she has acquired in good faith the right in such articles or monetary gain either in the Republic of Croatia or abroad, and the person is domiciled in the Republic of Croatia,</p> <p>4. if the articles or monetary gain are necessary to carry out the criminal proceedings pending in the Republic of Croatia or to apply the seizure measure in the Republic of Croatia.</p> <p>(5) If an authorised person claims rights in the articles or monetary gain referred to in paragraph 4 of this Article, their delivery to the requesting state shall be postponed until resolution of the legal issues. Disputed articles or monetary gain may be delivered to an authorised person:</p> <ol style="list-style-type: none"> 1. if the requesting state consents, 2. if the state authority consents, in cases referred to in paragraph 4 point 2 of this Article, 3. if the domestic court has acknowledged authority to claim. <p>Article 30</p> <p>When a domestic judicial authority deems that mutual legal assistance has been afforded in whole or partially, it shall issue a decision containing reasons to that effect.</p> <p>Article 31</p> <p>(1) A domestic judicial authority may condition affording the mutual legal assistance in whole or partially, by prior settlement of certain charges (taxes, surtaxes, fiscal stamps and alike).</p> <p>(2) The Ministry of Justice determines an appropriate term for the competent foreign authority to state opinion on accepting or refusing payment of charges referred to in paragraph 1 of this Article. In case of refusal or silence of a foreign judicial authority, mutual legal assistance shall be afforded in respect of the part of the request which is not connected to the charges.</p>
<p>Article 28 – Confidentiality and limitation on use</p> <p>1 When there is no mutual assistance treaty or arrangement on the basis of uniform or reciprocal legislation in force between the requesting and the requested Parties, the provisions of this article shall apply. The provisions of this article shall not apply where such treaty, arrangement or legislation exists, unless the Parties concerned agree to apply any or all of the</p>	<p>Law about international legal aid in criminal matters, article 21. (OG 178/04.).</p> <p>Article 21</p> <p>(1) Upon a request of a foreign judicial authority, the Ministry of Justice and the domestic judicial authority shall keep confidential the request for mutual</p>

<p>remainder of this article in lieu thereof.</p> <p>2 The requested Party may make the supply of information or material in response to a request dependent on the condition that it is:</p> <p>a kept confidential where the request for mutual legal assistance could not be complied with in the absence of such condition, or</p> <p>b not used for investigations or proceedings other than those stated in the request.</p> <p>3 If the requesting Party cannot comply with a condition referred to in paragraph 2, it shall promptly inform the other Party, which shall then determine whether the information should nevertheless be provided. When the requesting Party accepts the condition, it shall be bound by it.</p> <p>4 Any Party that supplies information or material subject to a condition referred to in paragraph 2 may require the other Party to explain, in relation to that condition, the use made of such information or material.</p>	<p>assistance and its substance, except to the extent necessary to execute the request.</p> <p>(2) If the confidentiality condition referred to in paragraph 1 may not be upheld, the Ministry of Justice, i.e. domestic judicial authority shall notify the foreign judicial authority on this fact, without delay.</p>
<p>Article 29 – Expedited preservation of stored computer data</p> <p>1 A Party may request another Party to order or otherwise obtain the expeditious preservation of data stored by means of a computer system, located within the territory of that other Party and in respect of which the requesting Party intends to submit a request for mutual assistance for the search or similar access, seizure or similar securing, or disclosure of the data.</p> <p>2 A request for preservation made under paragraph 1 shall specify:</p> <p>a the authority seeking the preservation;</p> <p>b the offence that is the subject of a criminal investigation or proceedings and a brief summary of the related facts;</p> <p>c the stored computer data to be preserved and its relationship to the offence;</p> <p>d any available information identifying the custodian of the stored computer data or the location of the computer system;</p> <p>e the necessity of the preservation; and</p> <p>f that the Party intends to submit a request for mutual assistance for the search or similar access, seizure or similar securing, or disclosure of the stored computer data.</p> <p>3 Upon receiving the request from another Party, the requested Party shall take all appropriate measures to preserve expeditiously the specified data in accordance with its domestic law. For the purposes of responding to a request, dual criminality shall not be required as a condition to providing</p>	<p>Law about international legal aid in criminal matters, article 4. connected to article 10. (OG 178/04.).</p> <p>Article 4</p> <p>Mutual legal assistance is afforded in the widest sense, in compliance with the principles of domestic legal order, principles of the European Convention for the Protection of Human Rights and Fundamental Freedoms and the International Covenant on Civil and Political Rights.</p> <p>Article 10</p> <p>(1) When affording mutual legal assistance, domestic judicial authority shall comply with the formalities and procedures expressly indicated in the request as necessary pursuant to the law of the requesting state, unless provided otherwise by an international treaty and provided that such formalities and procedures are not contrary to the principles of the domestic legal order.</p> <p>(2) Domestic judicial authority executes the request of a foreign judicial authority without delay, taking into account procedural deadlines, as well as other specially determined deadlines explained in the request.</p> <p>(3) If a domestic judicial authority may foresee that it shall not be able to observe a specially determined deadline for execution of the request, while the explanation referred to in paragraph 2 of this Article expressly indicates that each postponement will lead to significant disruption of procedure before a foreign judicial authority, the domestic judicial authority shall indicate without delay the required time to execute the request. Domestic and foreign judicial</p>

<p>such preservation.</p> <p>4 A Party that requires dual criminality as a condition for responding to a request for mutual assistance for the search or similar access, seizure or similar securing, or disclosure of stored data may, in respect of offences other than those established in accordance with Articles 2 through 11 of this Convention, reserve the right to refuse the request for preservation under this article in cases where it has reasons to believe that at the time of disclosure the condition of dual criminality cannot be fulfilled.</p> <p>5 In addition, a request for preservation may only be refused if:</p> <p>a the request concerns an offence which the requested Party considers a political offence or an offence connected with a political offence, or</p> <p>b the requested Party considers that execution of the request is likely to prejudice its sovereignty, security, <i>ordre public</i> or other essential interests.</p> <p>6 Where the requested Party believes that preservation will not ensure the future availability of the data or will threaten the confidentiality of or otherwise prejudice the requesting Party's investigation, it shall promptly so inform the requesting Party, which shall then determine whether the request should nevertheless be executed.</p> <p>4 Any preservation effected in response to the request referred to in paragraph 1 shall be for a period not less than sixty days, in order to enable the requesting Party to submit a request for the search or similar access, seizure or similar securing, or disclosure of the data. Following the receipt of such a request, the data shall continue to be preserved pending a decision on that request.</p>	<p>authorities may thereafter agree on further acts required to be undertaken in connection with the request.</p> <p>(4) If the request of a foreign judicial authority may not be executed, or may not be executed fully in compliance with the required conditions, the domestic judicial authority shall without delay inform the foreign judicial authority to this effect, indicating the conditions under which such request may be executed.</p>
<p>Article 30 – Expedited disclosure of preserved traffic data</p> <p>1 Where, in the course of the execution of a request made pursuant to Article 29 to preserve traffic data concerning a specific communication, the requested Party discovers that a service provider in another State was involved in the transmission of the communication, the requested Party shall expeditiously disclose to the requesting Party a sufficient amount of traffic data to identify that service provider and the path through which the communication was transmitted.</p> <p>2 Disclosure of traffic data under paragraph 1 may only be withheld if:</p> <p>a the request concerns an offence which the requested Party considers a</p>	<p>Law about international legal aid in criminal matters, article 4. connected to article 10. (OG 178/04.).</p> <p>Article 4 Mutual legal assistance is afforded in the widest sense, in compliance with the principles of domestic legal order, principles of the European Convention for the Protection of Human Rights and Fundamental Freedoms and the International Covenant on Civil and Political Rights.</p> <p>Article 10</p>

<p>political offence or an offence connected with a political offence; or b the requested Party considers that execution of the request is likely to prejudice its sovereignty, security, <i>ordre public</i> or other essential interests.</p>	<p>(1) When affording mutual legal assistance, domestic judicial authority shall comply with the formalities and procedures expressly indicated in the request as necessary pursuant to the law of the requesting state, unless provided otherwise by an international treaty and provided that such formalities and procedures are not contrary to the principles of the domestic legal order. (2) Domestic judicial authority executes the request of a foreign judicial authority without delay, taking into account procedural deadlines, as well as other specially determined deadlines explained in the request. (3) If a domestic judicial authority may foresee that it shall not be able to observe a specially determined deadline for execution of the request, while the explanation referred to in paragraph 2 of this Article expressly indicates that each postponement will lead to significant disruption of procedure before a foreign judicial authority, the domestic judicial authority shall indicate without delay the required time to execute the request. Domestic and foreign judicial authorities may thereafter agree on further acts required to be undertaken in connection with the request. (4) If the request of a foreign judicial authority may not be executed, or may not be executed fully in compliance with the required conditions, the domestic judicial authority shall without delay inform the foreign judicial authority to this effect, indicating the conditions under which such request may be executed.</p>
<p>Article 31 – Mutual assistance regarding accessing of stored computer data 1 A Party may request another Party to search or similarly access, seize or similarly secure, and disclose data stored by means of a computer system located within the territory of the requested Party, including data that has been preserved pursuant to Article 29. 2 The requested Party shall respond to the request through the application of international instruments, arrangements and laws referred to in Article 23, and in accordance with other relevant provisions of this chapter. 3 The request shall be responded to on an expedited basis where: a there are grounds to believe that relevant data is particularly vulnerable to loss or modification; or b the instruments, arrangements and laws referred to in paragraph 2 otherwise provide for expedited co-operation.</p>	<p>Law about international legal aid in criminal matters, article 4. connected to article 10. (OG 178/04.).</p> <p>Article 4 Mutual legal assistance is afforded in the widest sense, in compliance with the principles of domestic legal order, principles of the European Convention for the Protection of Human Rights and Fundamental Freedoms and the International Covenant on Civil and Political Rights.</p> <p>Article 10 (1) When affording mutual legal assistance, domestic judicial authority shall comply with the formalities and procedures expressly indicated in the request as necessary pursuant to the law of the requesting state, unless provided otherwise by an international treaty and provided that such formalities and procedures are not contrary to the principles of the domestic legal order.</p>

	<p>(2) Domestic judicial authority executes the request of a foreign judicial authority without delay, taking into account procedural deadlines, as well as other specially determined deadlines explained in the request.</p> <p>(3) If a domestic judicial authority may foresee that it shall not be able to observe a specially determined deadline for execution of the request, while the explanation referred to in paragraph 2 of this Article expressly indicates that each postponement will lead to significant disruption of procedure before a foreign judicial authority, the domestic judicial authority shall indicate without delay the required time to execute the request. Domestic and foreign judicial authorities may thereafter agree on further acts required to be undertaken in connection with the request.</p> <p>(4) If the request of a foreign judicial authority may not be executed, or may not be executed fully in compliance with the required conditions, the domestic judicial authority shall without delay inform the foreign judicial authority to this effect, indicating the conditions under which such request may be executed.</p>
<p>Article 32 – Trans-border access to stored computer data with consent or where publicly available</p> <p>A Party may, without the authorisation of another Party:</p> <p>a access publicly available (open source) stored computer data, regardless of where the data is located geographically; or</p> <p>b access or receive, through a computer system in its territory, stored computer data located in another Party, if the Party obtains the lawful and voluntary consent of the person who has the lawful authority to disclose the data to the Party through that computer system.</p>	<p>Law about international legal aid in criminal matters, article 4. connected to article 10. (OG 178/04.).</p> <p>Article 4</p> <p>Mutual legal assistance is afforded in the widest sense, in compliance with the principles of domestic legal order, principles of the European Convention for the Protection of Human Rights and Fundamental Freedoms and the International Covenant on Civil and Political Rights.</p> <p>Article 10</p> <p>(1) When affording mutual legal assistance, domestic judicial authority shall comply with the formalities and procedures expressly indicated in the request as necessary pursuant to the law of the requesting state, unless provided otherwise by an international treaty and provided that such formalities and procedures are not contrary to the principles of the domestic legal order.</p> <p>(2) Domestic judicial authority executes the request of a foreign judicial authority without delay, taking into account procedural deadlines, as well as other specially determined deadlines explained in the request.</p> <p>(3) If a domestic judicial authority may foresee that it shall not be able to observe a specially determined deadline for execution of the request, while the explanation referred to in paragraph 2 of this Article expressly indicates that</p>

	<p>each postponement will lead to significant disruption of procedure before a foreign judicial authority, the domestic judicial authority shall indicate without delay the required time to execute the request. Domestic and foreign judicial authorities may thereafter agree on further acts required to be undertaken in connection with the request.</p> <p>(4) If the request of a foreign judicial authority may not be executed, or may not be executed fully in compliance with the required conditions, the domestic judicial authority shall without delay inform the foreign judicial authority to this effect, indicating the conditions under which such request may be executed.</p>
<p>Article 33 – Mutual assistance in the real-time collection of traffic data</p> <p>1 The Parties shall provide mutual assistance to each other in the real-time collection of traffic data associated with specified communications in their territory transmitted by means of a computer system. Subject to the provisions of paragraph 2, this assistance shall be governed by the conditions and procedures provided for under domestic law.</p> <p>2 Each Party shall provide such assistance at least with respect to criminal offences for which real-time collection of traffic data would be available in a similar domestic case.</p>	<p>Law about international legal aid in criminal matters, article 4. connected to article 10. (OG 178/04.).</p> <p>Article 4 Mutual legal assistance is afforded in the widest sense, in compliance with the principles of domestic legal order, principles of the European Convention for the Protection of Human Rights and Fundamental Freedoms and the International Covenant on Civil and Political Rights.</p> <p>Article 10</p> <p>(1) When affording mutual legal assistance, domestic judicial authority shall comply with the formalities and procedures expressly indicated in the request as necessary pursuant to the law of the requesting state, unless provided otherwise by an international treaty and provided that such formalities and procedures are not contrary to the principles of the domestic legal order.</p> <p>(2) Domestic judicial authority executes the request of a foreign judicial authority without delay, taking into account procedural deadlines, as well as other specially determined deadlines explained in the request.</p> <p>(3) If a domestic judicial authority may foresee that it shall not be able to observe a specially determined deadline for execution of the request, while the explanation referred to in paragraph 2 of this Article expressly indicates that each postponement will lead to significant disruption of procedure before a foreign judicial authority, the domestic judicial authority shall indicate without delay the required time to execute the request. Domestic and foreign judicial authorities may thereafter agree on further acts required to be undertaken in connection with the request.</p> <p>(4) If the request of a foreign judicial authority may not be executed, or may not</p>

	<p>be executed fully in compliance with the required conditions, the domestic judicial authority shall without delay inform the foreign judicial authority to this effect, indicating the conditions under which such request may be executed.</p>
<p>Article 34 – Mutual assistance regarding the interception of content data The Parties shall provide mutual assistance to each other in the real-time collection or recording of content data of specified communications transmitted by means of a computer system to the extent permitted under their applicable treaties and domestic laws.</p>	<p>Law about international legal aid in criminal matters, article 4. connected to article 10. (OG 178/04.).</p> <p>Article 4 Mutual legal assistance is afforded in the widest sense, in compliance with the principles of domestic legal order, principles of the European Convention for the Protection of Human Rights and Fundamental Freedoms and the International Covenant on Civil and Political Rights.</p> <p>Article 10 (1) When affording mutual legal assistance, domestic judicial authority shall comply with the formalities and procedures expressly indicated in the request as necessary pursuant to the law of the requesting state, unless provided otherwise by an international treaty and provided that such formalities and procedures are not contrary to the principles of the domestic legal order. (2) Domestic judicial authority executes the request of a foreign judicial authority without delay, taking into account procedural deadlines, as well as other specially determined deadlines explained in the request. (3) If a domestic judicial authority may foresee that it shall not be able to observe a specially determined deadline for execution of the request, while the explanation referred to in paragraph 2 of this Article expressly indicates that each postponement will lead to significant disruption of procedure before a foreign judicial authority, the domestic judicial authority shall indicate without delay the required time to execute the request. Domestic and foreign judicial authorities may thereafter agree on further acts required to be undertaken in connection with the request. (4) If the request of a foreign judicial authority may not be executed, or may not be executed fully in compliance with the required conditions, the domestic judicial authority shall without delay inform the foreign judicial authority to this effect, indicating the conditions under which such request may be executed.</p>
<p>Article 35 – 24/7 Network 1 Each Party shall designate a point of contact available on a twenty-four</p>	<p>Croatia is listed in 24/7 contact point list.</p>

<p>hour, seven-day-a-week basis, in order to ensure the provision of immediate assistance for the purpose of investigations or proceedings concerning criminal offences related to computer systems and data, or for the collection of evidence in electronic form of a criminal offence. Such assistance shall include facilitating, or, if permitted by its domestic law and practice, directly carrying out the following measures:</p> <ul style="list-style-type: none"> a the provision of technical advice; b the preservation of data pursuant to Articles 29 and 30; c the collection of evidence, the provision of legal information, and locating of suspects. <p>2 a A Party's point of contact shall have the capacity to carry out communications with the point of contact of another Party on an expedited basis.</p> <p>b If the point of contact designated by a Party is not part of that Party's authority or authorities responsible for international mutual assistance or extradition, the point of contact shall ensure that it is able to co-ordinate with such authority or authorities on an expedited basis.</p> <p>3 Each Party shall ensure that trained and equipped personnel are available, in order to facilitate the operation of the network.</p>	
<p>Article 42 – Reservations</p> <p>By a written notification addressed to the Secretary General of the Council of Europe, any State may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, declare that it avails itself of the reservation(s) provided for in Article 4, paragraph 2, Article 6, paragraph 3, Article 9, paragraph 4, Article 10, paragraph 3, Article 11, paragraph 3, Article 14, paragraph 3, Article 22, paragraph 2, Article 29, paragraph 4, and Article 41, paragraph 1. No other reservation may be made.</p>	<p>Declaration contained in a letter from the Chargée d'Affaires a.i. of Croatia, dated 8 January 2009, registered at the Secretariat General on 9 January 2009 - Or. Engl., up-dated by a communication from Croatia registered at the Secretariat General on 30 June 2010 - Or. Engl.</p> <p>In accordance with Article 24, paragraph 7, Article 27, paragraph 2, and Article 35, paragraph 1, of the Convention on Cybercrime, Croatia designates as the competent authorities for the purposes of the Convention :</p> <p><u>Articles 24 and 27:</u> the Ministry of Justice Dezmanova 6 10 000 Zagreb.</p>

Article 35:

The Ministry of Interior
General Police Directorate
Criminal Police Directorate
National Police Office for Suppression of Corruption and Organised Crime
Department for Economic Crime and Corruption
Ilica 335
10 000 Zagreb
Republic of Croatia
Internet: <http://www.mup.hr>

[Note by the Secretariat : Detailed contact information are available on the restricted access part of the Convention Committee on Cybercrime's website on www.coe.int/tcy.]

Period covered: 9/1/2009 -

The preceding statement concerns Article(s) : 24, 27, 35