

Croatia¹

National Procedures for Extradition

Updated on 22/04/2021

The Central Authority responsible for extradition	Ministry of Justice and Administration of the Republic of Croatia Vukovarska Street 49 10 000 Zagreb Tel: +385 1 3714 558 Fax: +385 1 3714 392 E-mail: europska.unija@mpu.hr
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If different from the Central Authority, the authority to which the request should be sent	
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Channels of communication for the request for extradition: (directly, through diplomatic channels or other)	The Ministry of Justice and Administration is competent authority to receive requests for extradition submitted by foreign competent authorities. In urgent cases and subject to reciprocity, the Ministry of Justice and Administration may transmit and receive requests for extradition through the Interpol. The Ministry of Justice and Administration shall transmit and receive through the Ministry of Foreign and European Affairs (diplomatic channel) the requests for extradition 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.
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Means of communication (eg. by post, fax, e-mail ²):	The request for extradition may be submitted to the Ministry of Justice and Administration by electronic mail or by some other means of telecommunications leaving a written record, if it may establish its authenticity, and if the competent foreign authority is willing, at request, to deliver a written notice about the method of sending the request and the original request.
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Language requirements:	Croatian Act on Mutual Legal Assistance in Criminal Matters stipulates that request for extradition and attached documentation must be supported by the translation into the Croatian language. In relation to the state parties to the European Convention on Extradition, Croatia will require that all documentation is translated to one of official languages of the Council of Europe. Where there
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¹ Please indicate your state.

² Please indicate if encryption or electronic signature is required.

	is bilateral agreement, translation might not be needed (e.g. Austria, Slovenia).
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Documentation required:	The formal request for extradition shall be submitted, and it shall contain information on: - the place of issuance and the name of the competent foreign authority sending the request, - the legal basis for providing assistance, - the legal name, a short factual and legal description of the criminal offence and - accurate data about and citizenship of the person whose extradition is requested. Along with the formal request for extradition, the following documentation is needed: - means to determine identity of the person sought (detailed description, photographs, finger prints and alike), - indictment, 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 her/his identity, - description of the offence, legal title of the offence and evidence for reasonable doubt, - 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
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Provisional arrest:	Time limit for presentation of formal extradition request if the person is in provisional arrest	Maximum is 40 days. Extradition detention determined on a basis of a request for a provisional arrest shall be discontinued if within a period determined by the investigative judge (maximum of 40 days), from the date of its order, the request for extradition is not received.
	Is there a need for an explicit request for prolongation of the provisional arrest beyond the 18 days mentioned in Article 16, paragraph 4 of the European Convention on Extradition (ETS No.24)?	Yes, there is a need for an explicit request for the prolongation of the provisional arrest.

Extradition procedures:	Normal (regular) extradition consists of two phases (court phase and the decision of the Minister of Justice and Administration): Requests for extradition shall be received by the Ministry and shall promptly be forwarded to the competent Court. After the competent Court conducts the proceedings for extradition, and renders its ruling whether legal presumptions for the extradition of a person sought have been met, the decision on the final extradition shall be
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	<p>made by the Minister, in accordance with the ruling issued by the Court (granting/refusing). Where according to the Court decision the legal presumptions for the extradition have not been met, the Minister shall refuse the extradition by referring to the court's decision. The Minister shall notify the Requesting Foreign State of her/his decision. Simplified extradition Extradited person may give her/his consent to be surrendered to the requesting state pursuant to the simplified extradition procedure, as well as waive the application of the rule of speciality, after which the competent court shall approve her/his extradition, unless there are reasons to the contrary. Consent and waiver referred to above shall be entered into the minutes before 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. Consent and waiver are irrevocable. The competent court shall notify the Ministry of Justice and Administration on the consent without delay. The Ministry of Justice and Administration will, at latest within 10 days as of the sought person's detention, notify the requesting state, which is not obliged to deliver the request for extradition in that case, unless other proscribed in a bilateral treaty. If the extradited person gave her/his consent, the court shall, after the expiry of the deadline referred above, conduct a simplified extradition procedure, if the request for extradition has not been received yet. If the extradited person gave her/his consent after the expiry of the deadline referred above, and the request for extradition was received in the meantime, the competent court may conduct a simplified extradition procedure. Simplified extradition procedure has equal effects of extradition and is subject to the same conditions. The requesting state shall be notified about this.</p>
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<p>Detention before and after the receipt of the extradition request: (deadlines, conditional release, etc)</p>	<p>The duration of the detention determined on a basis of a request for a provisional arrest can be determinate in a maximum period of 40 days. Extradition arrest shall not exceed a period of 40 days, but the competent judicial authority may extend the duration of detention for at most 30 more days. After receiving the request for extradition, the detention order remains in force for the duration of the extradition procedure, for maximum period of two months from the date that the decision on extradition has been final.</p>
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<p>Statutes of limitation for the purpose of prosecution and for the execution of sentences: (general principles)</p>	<p>Statute of limitation does not apply to the criminal offence of genocide crime of aggression, crime against humanity, war crimes, or other criminal offences which pursuant to international law are not subject to the statute of limitations.</p>
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<p>Provisions concerning extradition of nationals:</p>	<p>A national of the Republic of Croatia may not be extradited to another state, except in case of execution of a decision on extradition or surrender made in compliance with international treaty or the <i>acquis communautaire</i> of the European Union (Constitution of the Republic of Croatia, Article 9).</p>
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Surrender: (eg. deadlines)	The Ministry of Interior is competent for the enforcement of the decision on extradition, and with the competent authorities of the requesting state it agrees the place and time of surrender of the extradite. The surrender of the extradite has to be performed at the latest within 2 months from the date of enforceability of the decision on extradition. If the requesting state does not take over the extradite within eight days from the agreed date of surrender, the extradite will be released. The deadline may be extended up to 30 days on the basis of a justified request of the requesting state.
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Other relevant information: (such as specific requirements concerning double criminality)	Extradition shall not be allowed 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.
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Links to national legislation, national guides on procedure:	Relevant legislation in criminal matters of the Republic of Croatia can be found at http://www.vsrh.hr/EasyWeb.asp?pcpid=286 in English language, and at www.nn.hr in Croatian Language
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