

Croatia¹

National Procedures for Mutual Assistance in Criminal Matters

Updated on 22/04/2021

The Central Authority responsible for MLA	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
--	--

If different from the Central Authority, the authority to which the request should be sent:	
---	--

Channels of communication for the request of MLA: (through diplomatic channels or other): In case of urgency (Art 15.2) direct transmission (link to contact details of competent authorities) or other	<p>Ministry of Justice and Administration is competent for receiving and transmitting requests for mutual legal assistance.</p> <p>If explicitly provided in domestic legislation and under the condition of reciprocity, or where direct communication is provided in an international treaty, domestic judicial authorities may forward the request for MLA directly to the foreign judicial authority. In the cases of such direct communication, a copy of the request shall be submitted also to the Ministry of Justice and Administration.</p> <p>In urgent cases and if there is reciprocity, the Ministry of Justice and Administration may forward and receive requests for MLA through Interpol. In those cases domestic judicial authorities may forward and receive requests for MLA through Interpol, with a condition that a copy of that request will be forwarded to the Ministry of Justice and Administration.</p> <p>Regarding foreign states with which the Republic of Croatia has not concluded an international treaty, and in cases where an international treaty expressly provides so, the requests for MLA shall be forwarded and received via ministry in charge of foreign affairs.</p>
--	---

Means of communication (eg. by post, fax, e-mail ²):	The MLA request 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
---	--

¹ Please indicate your state.

² Please indicate if encryption or electronic signature is required.

	request, to deliver a written notice about the method of sending the request and the original request.
Language requirements:	Unless stipulated differently in an international agreement, the request, and the supporting documents, shall be accompanied by a translation into Croatian language, and if that is not possible, into English language. Translations have to be officially certified.
Double criminality requirement, if applicable:	Not required (Mutual legal assistance is provided for criminal offences whose punishment is, at the moment of forwarding of the request, within the competence of the judicial authorities of the requesting state. Mutual legal assistance is also provided in misdemeanour procedures conducted by the administrative authorities, in connection with offences that are under Croatian law punishable by fines, because they represent an infringement of the rule of law and if in such procedures the decision of the administrative authority may lead to a procedure before a court competent for criminal matters).
Limitation of use of evidence obtained:	The evidence obtained can be used only in the criminal proceedings for which it was requested/obtained and for purpose specified in a request.
Other relevant information: (e.g. documentation required for special types of assistance)	According to the declaration concerning the Article 5 Paragraph 1 of the European Convention on Mutual Assistance in Criminal Matters, and in accordance with domestic legislation, requests for mutual legal assistance seeking search or seizure of property must be accompanied with decision of the competent judicial authority.
Links to national legislation, national guides on procedure:	Relevant legislation in criminal matters of the Republic of Croatia can be found in English language http://www.vsrh.hr/EasyWeb.asp?pcpid=286 and in Croatian Language at www.nn.hr
Parties to the Second Additional Protocol: Channels of communication for <u>direct transmission requests</u> (Link to database with contact details of competent authorities for the purpose of direct transmission of MLA requests)	Republic of Croatia is a party of the Second Additional Protocol, but it had also declared that all the requests and other communications, referred to in paragraphs 1 to 6 od Article 4, should be forwarded to the Ministry of Justice and Administration.