

Croatia¹

National Procedures for Transfer of sentenced persons

Updated on 22/04/2021

The Central Authority responsible for the transfer of sentenced persons	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:	
---	--

If different from the Central Authority, the Authority/ies in charge of coordinating and/or implementing the physical transfer of the person concerned:	Right after the consent for a transfer of a person concerned has been given, the Ministry of Justice and Administration will inform the Ministry of Interior, NCB Interpol Zagreb, which is competent for coordinating physical transfer of the person. For any information in the stage of physical transfer of the person, NCB Interpol National Offices of Member States can contact NCB Interpol Zagreb, who will have all necessary information.
--	---

Channels of communication for the request for the transfer of sentenced persons: (directly, through diplomatic channels or other)	The request for the transfer shall be send directly to the Ministry of Justice and Administration.
---	--

Means of communication (eg. by post, fax, e-mail ²):	The request for transfer shall be sent to the Ministry of Justice and Administration by regular mail – by post, in its original copy. It also 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.
---	---

¹ Please indicate your state.

² Please indicate if encryption or electronic signature is required.

Language requirements:	Domestic legislation proscribes that all requests for mutual legal assistance and attached documentation must be supported by the translation into the Croatian language, and if that is not possible, in English language. However, the Republic of Croatia does not have any declarations stated on the provisions of the Convention on the Transfer of Sentenced Persons in regard to language.
-------------------------------	--

Documentation required:	Documentation stated in the Article 6 of the Convention on the Transfer of Sentenced Persons is the documentation that is sufficient to be sent with a request for transfer of a person
--------------------------------	---

Continued enforcement or conversion of the sentence³:	Referring to the Article 9 of the Convention, and a question which procedure will be conducted in a procedure of transfer of the sentence imposed, the Republic of Croatia stated a declaration, declaring that the implementation of external sanctions in the territory of the Republic of Croatia shall be committed to the procedure complying with the provisions of Article 9, paragraph 1.b, and Article 11 of the Convention (“The competent authorities of the administering State shall convert the sentence, through a judicial or administrative procedure, into a decision of that State, thereby substituting for the sanction imposed in the sentencing State a sanction prescribed by the law of the administering State for the same offence, under the conditions set out in Article 11”). That conversion of a sentence will be made before the transfer of the person will take place. Nonetheless, that procedure does not exclude the application of the procedure defined in Article 9, paragraph 1.a, Article 10, paragraph 1 or paragraph 2 of the Convention (continuation of the enforcement), and that in cases when another Party is unwilling to apply the procedure defined in Article 9, paragraph 1.b and Article 11, and if so required by the transfer concerned. In that case, the sanction shall be adapted through a court order in compliance with the provision of Article 10, paragraph 1, or Article 10, paragraph 2, depending on the terms of the transfer, and the enforcement of the sentence passed in the sentencing State shall be continued. In regard to all stated, it is important to mention that the Republic of Croatia also had declared that in the application of the procedure provided in Article 10, paragraph 1 or paragraph 2, in accordance with the terms of the transfer set by the sentencing State, the Republic of Croatia may decide not to exercise her rights provided in Article 12 of the Convention without the consent of the sentencing State.
---	--

General rules on early release:	Excerpt for the Criminal Code of the Republic of Croatia: “The court may release a prisoner from serving a sentence of imprisonment if he/she has served at least one half but not less than three months of the term to which he/she has been sentenced if it is reasonably expected that he/she will not commit a criminal offence and if
--	---

³ In case the sentence is converted, please specify whether this is done before or after the transfer has taken place.

	he/she agrees to this. When deciding on the motion, the court shall assess the prisoner's personality, his/her prior life and previous convictions, whether there are other charges pending against him/her, his/her attitude towards the committed criminal offence and relationship to the victim, his/her conduct during incarceration, rate of success of the implementation of the incarceration programme, whether there has been a change in his/her conduct after the commission of the criminal offence or is it expected that such a change will occur through the application of supervision measures during parole, his/her living conditions and readiness to be integrated into free society."
--	--

Scope of application with regard to transfer of mentally disordered persons:	According to the domestic law, to a mentally incompetent person may be imposed a safety measure according to the provisions of a special Act, and when deciding on the transfer of a mentally disordered person, the competent court will render a decision in accordance with mentioned.
---	---

Scope of application with regard to nationals and/or residents:	A Croatian citizen cannot be transferred as a sentenced person outside the Republic of Croatia to a foreign state to serve a prison sentence.
--	---

Other relevant information: (such as practice regarding time limits or revocation of consent)	There are no provisions in regard to the revocation of the consent in domestic law.
---	---

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
---	---

Link to information about the Convention (according to Article 4) in the official language(s) of the State Party (see also Rec. R (84) 11 of the Committee of Ministers concerning information about ETS°112 and PC-OC INF 12):	Same as above
---	---------------

For Parties to the Additional Protocol

Information on the implementation of Article 2:	Croatia is Party to Additional Protocol, but there are no provisions on implementation of the Article 2 in the domestic law, so all provision of Protocol are directly applicable.
--	--

(e.g. interpretation of “by fleeing to”)	
--	--

Information on the implementation of Article 3 (e.g. interpretation of the requirement of a consequential link between the decision on expulsion and the sentence)	Same as above
--	---------------

Documentation required:	
--------------------------------	--

Other relevant information:	
------------------------------------	--