



PERMANENT MISSION OF THE REPUBLIC OF CROATIA
TO THE OSCE, UN AND INTERNATIONAL ORGANIZATIONS
VIENNA

A-1010 VIENNA, BARTENSTEINGASSE 16/7, TEL: (43-1) 535 01 37, FAX: (43-1)535 0134
E-MAIL: cromiss.vienna@mvpei.hr

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NOTE VERBALE

The Permanent Mission of the Republic of Croatia to the OSCE presents its compliments to the Permanent Missions and Delegations to the OSCE and Conflict Prevention Centre and, in accordance with Decision 4/98 and 4/03 of the Forum for Security Cooperation, has the honor to transmit herewith the Croatian response to the Questionnaire on the code of Conduct on Politico-Military Aspects of Security.

The Permanent Mission of the Republic of Croatia to the OSCE avails itself of this opportunity to renew to the Permanent Missions and Delegations to the OSCE and to the Conflict Prevention Center the assurance of its highest consideration. *[Signature]*



To:
The Permanent Missions and Delegations to the OSCE
The Conflict Prevention Centre
VIENNA

THE REPUBLIC OF CROATIA

***ANNUAL EXCHANGE OF INFORMATION
ON THE CODE OF CONDUCT ON POLITICO - MILITARY
ASPECTS OF SECURITY***

Zagreb, April 2008

1. Appropriate measures to prevent and combat terrorism, in particular participation in international agreements to that end. (Paragraph 6)

- (a) List of international agreements, including all United Nations conventions and protocols related to terrorism, to which the participating State is party;**
- (b) Accession to and participation in other multilateral and bilateral agreements or measures undertaken to prevent and combat terrorist activities**
- (c) National measures, to include pertinent legislation, taken to implement the international agreements, conventions and protocols cited above:**
- (d) Information on national efforts to prevent and combat terrorism, including appropriate information on legislation beyond United Nations convention and protocols (e.g. pertaining to financing of terrorist groups);**
- (e) Roles and missions of armed forces and security forces in preventing and combating terrorism.**

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(a) Regarding international agreements and conventions related to the fight against terrorism, it is necessary to emphasize that **the Republic of Croatia has ratified twelve (12) basic UN conventions and protocols related to the suppression of terrorism**, whereas the ratification of the 13th International Convention for the Suppression of Acts of Nuclear Terrorism is expected to be completed in the first half of this year.

Current status of the ratified UN conventions and protocols is available at:

http://www.osce.org/documents/atu/2006/11/17123_en.pdf

The Republic of Croatia is a party to a wide range of international agreements within the Council of Europe framework that in a broader sense relate to terrorism (along with other forms of criminal issues). Most notably, it is expected that by the end of this year the Republic of Croatia will complete the ratification procedure for the Council of Europe's Convention on the Prevention of Terrorism.

Current status of the ratified Council of Europe's conventions and protocols is available at:

<http://conventions.coe.int/Treaty/Commun/ChercheMembres.asp?CM=3&CL=ENG>

Enhancing international cooperation within the framework of international institutions and geopolitical alliances, the Republic of Croatia actively participates in the world struggle against terrorism, through active cooperation within regional initiatives (SEDM, Quadrilateral Initiative, SEI, SECI, SEECP) as well as through the implementation of other international conventions and protocols on the prohibition of particular kinds of weapons, of which the Republic of Croatia is also a signatory, including:

1) Convention on Prohibition of Use, Stockpiling, Production and Transport of anti-Personnel Mines, and on their Destruction, dated 4th December 1997 – ratified 24th April 1998;

2) Convention on Prohibition and Restriction of Use of Particular Conventional Weapons with Excessive Traumatic Effect or Influence, Regardless of the Aim from 10th October 1980 that came into force on 2nd December, 1983, and the five Protocols to the Convention – the Protocol on Undiscovered Fragments (Protocol I) from 1980, the Protocol on Prohibition or restriction of the Use of Landmines, Booby Traps or other Instruments (Protocol II) from 1980, the Protocol on Prohibition or Restriction of the Use of Inflammable Weapons (Protocol III) from 1980, Amended Protocol II from 1996 and the Supplementary Protocol IV on Blinding Laser Weapons from 1995; Amendment to Article 1 of the 2001 Convention and

the 2003 Protocol on Explosive Remnants of War (Protocol V), (NN-MU 11/2004), entered into force for Croatia on 12.11.2006 (NN-MU 5/2006)

3) Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction from 1993;

4) Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction.

5) Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III)- ratified by Croatian Parliament on 30 March 2007; entered into force for Croatia on 13 December 2007 (NN MU 7/07 of 20 July 2007)

6) 1925 Geneva Protocol (Protocol for the Prohibition of the Use of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare) (NN MU 7/06 of 21.7.2006), ratified by Croatian Parliament on 30 June 2006; entered into force for Croatia on 18 December 2006 (NN MU 1/07 of 12.01.2007)

7) Protocol Against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, Supplementing the United Nations Convention against Transnational Organized Crime, ratified 10 November 2004

8) Treaty on the Non-Proliferation of Nuclear Weapons (NPT);

9) Convention of the Physical Protection of Nuclear Materials (CPPNM) together with its amendments;

10) International Convention for the Suppression of Acts of Nuclear Terrorism, ratified by Croatian Parliament on 30 March 2007; entered into force for Croatia on 07 July 2007 (NN MU 9/07 of 31 October 2007)

- The Republic of Croatia was one of the countries signatories to the Convention on cluster munitions in Oslo, 3 December 2008 and the Convention is now in the process of ratification by Croatian Parliament.

The Republic of Croatia is state party to the following conventions:

- European Convention on the Suppression of Terrorism, Strasbourg, 27 January 1977, the republic of Croatia signed it on the 07 November 2001 (NN MU 12/02 and 02/03);
- Protocol on amendments to European Convention on the Suppression of Terrorism, Strasbourg, 15 May 2003 (NN MU 03/05);
- International Convention for the Prevention of the Financing of Terrorism, adopted by res. No. 54/109 of UN General Assembly on 09 December 1999, the Republic of Croatia signed it on 11 November 2001. (NN MU 03/05)
- the Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and Under Water, Moscow, 05 August 1963 (SL FNRJ 11/63; NN MU 4/94 – note on succession);

- the Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Sea-Bed and the Ocean Floor and in the Subsoil Thereof, Washington, London, Moscow, 11 February 1971 (Sl. SFRJ 33/73; NN MU 4/94 – note on succession)
- Convention on the Marking of Plastic Explosives for the Purpose of Detection, Montreal, 01 March 1991 (NN MU 11/04 and NN MU 03/05)
- Convention on Nuclear Safety, Vienna, 17 June 1994, the Republic of Croatia signed it on 10 April 1995 (NN MU 13/95) and
- Comprehensive Nuclear Test Ban Treaty, New York 24 September 1996, the Republic of Croatia signed it in September 1996 and is state party as of 2001 (NN MU 1/01)

The Republic of Croatia is state party to the following export control regimes:

- 1) The Nuclear Suppliers Group
- 2) The Zangger Committee
- 3) The Australia Group
- 4) The Wassenaar Arrangement

The Republic of Croatia has applied to the export control regime:

- The Missile Technology Control Regime

Additional efforts:

- Croatia signed a Protocol Additional with the International Atomic Energy Agency for the Application of Safeguards in connection with the Treaty on the Non-Proliferation of Nuclear Weapons.
- The Republic of Croatia signed the Agreement between the Government of the Republic of Croatia and the Government of the United States of America of Cooperation on the prohibition of Weapons of Mass Destruction and promotion of defence and military relations, Zagreb, 04 February 2003., ratified by the Croatian Parliament on 13 June 2003 (NN MU 12/03)
- Croatia actively supports the Proliferation Security Initiative. Proliferation Security Initiative Shipboarding Agreement between Croatian Government and US Government, Washington, 01 June 2005, ratified by Croatian Parliament on 2 February 2007. (NN MU 2/2007 of 28 February 07)
- As a supporter of the Proliferation Security Initiative on cooperation in the field of prevention of proliferation of the weapons for mass destruction by sea, to date, the Republic of Croatia has participated in several joint exercises.
- Croatia has given support to the activities of the Global Initiative to Combat Nuclear Terrorism, and it actively participates in its activities.

(b) In addition to previous reports, in order to improve international cooperation in the field of suppression of organised crime, drugs and terrorism, the Republic of Croatia has so far signed 28 bilateral agreements with other countries and international organisations. Bilateral agreements were signed with all the neighbouring countries, and there are another 17 bilateral agreements in the pipeline and/or about to be signed: the Czech Republic, India, Sri Lanka, Italy, Hungary, Bulgaria, the former Yugoslav Republic of Macedonia, Albania, Slovenia,

Poland, Ukraine, Turkey, Free State of Bavaria, Greece, China, Baden-Württemberg, Slovakia, Romania, Southeast European Cooperative Initiative - SECI, Chile, Latvia, Serbia Bosnia and Herzegovina, United Kingdom, Belgium, Egypt, Sweden, and Montenegro

(c) Activities undertaken by competent bodies of the Republic of Croatia with the purpose of eliminating the danger of terrorist activities are in line with the political and legal framework of the Republic of Croatia including all legal norms prescribed by international conventions. International treaties pertaining to the suppression of terrorism, to which the Republic of Croatia is a party, form part of the Croatian legal system. Pursuant to article 140 of the Constitution of the Republic of Croatia “International agreements concluded and ratified in accordance with the Constitution and made public, and which are in force, shall be part of the internal legal order of the Republic of Croatia and shall be above law in terms of legal effects.”

Croatian Penal Code incriminates numerous criminal acts of international terrorism, including: international terrorism (Art. 169 PC), jeopardising the security of persons under international protection (Art. 170 PC), taking hostages (Art. 171 PC), misuse of nuclear substances (Art. 172 PC), airplane or ship hijacking (Art. 179 PC) and endangering the security of international air traffic and air-flights (Art. 181 PC), associating for the purposes of committing criminal acts against values protected by international law (Art. 187 PC), preparation of criminal acts against values protected by international law (Art. 187a PC) and subsequent aid to perpetrator of the criminal act against values protected by international law (Art. 187b PC) etc.

For the purpose of combating terrorism the Republic of Croatia applies a broad scope of legislation covering different forms of criminal activities (organised crime, corruption, money laundering, trafficking in narcotics, arms, human beings etc.). A general description of Croatian legal framework is available at:

[http://www.coe.int/t/e/legal_affairs/legal_co%2Doperation/fight_against_terrorism/4_theme_files/apologie_-_incitement/CODEXTER%20Profiles%20\(2008\)%20Croatia%20E.pdf](http://www.coe.int/t/e/legal_affairs/legal_co%2Doperation/fight_against_terrorism/4_theme_files/apologie_-_incitement/CODEXTER%20Profiles%20(2008)%20Croatia%20E.pdf)

(d) The Interagency Working Group for Suppression of Terrorism is the Government’s main body responsible for coordinating national mechanisms for the implementation of UN Security Council resolutions 1267, 1373 and 1566 and other important documents in the domain of the UN, the EU, NATO, the OSCE, and the Council of Europe.

In the Law on Coast Guard, passed by Croatian Parliament at the session on 03 October 2007 (NN 109/07 24 October 2007), in Chapter IV, the Republic of Croatia regulates the scope of work and assignments of the Coast Guard in the “Suppression and Prohibition of Terrorism, International Organized Crime and Proliferation of the Weapons for Mass Destruction”, and in Chapter V “Suppression of Piracy and Other Forms of Open Seas Usage for Non-peaceful Purposes”.

The close link between terrorism and other forms of criminal activities has always been in the focus of all counter-terrorism strategies and effective measures. Since the main prerequisite for the preparation of terrorist actions is the accumulation of financial means, it is obvious why it must be dealt with the utmost vigorousness and resolve. To this end, a careful consideration must also be given to the full protection of human rights, especially to the right of personal privacy. For this reason, the Republic of Croatia attaches great importance to the legal basis for the prevention of financing terrorism, which, in addition to being contained in several international agreements, is also contained in the Penal Code, the Act on Prevention of

Money Laundering, the Banking Act, the National Payment System Act, the Foreign Exchange Act, and the Law on Seizure.

The supervision over the transactions pursuant to the Foreign Exchange Act is exercised by the Croatian National Bank and the Ministry of Finance – Foreign Exchange Inspectorate and Customs Administration. The Croatian National Bank supervises banks and the Foreign Exchange Inspectorate supervises exchange offices. Supervisory bodies exchange information needed in the process of supervision and inform each other of any irregularities found in the course of supervision, provided such findings are relevant to the work of the other supervisory body.

In December 1997, the Anti Money Laundering Department (AMLD) was established within Ministry of Finance, as an independent administrative and analytical body authorised for receiving information on financial transaction from obligated entities, relevant state authorities - supervisory authorities within the Ministry of Finance (Financial Police, Customs, Tax Department, Supervision of Foreign Transactions Department), the Ministry of Interior, and appropriate authorities and organisations, as well as to international organisations responsible for preventing money laundering.

The AMLD analyses data and gathers additional information on transactions, physical and legal entities from internal and external databases. In case of suspected money laundering, AMLD submits the information on the suspicious transaction to the State Prosecutor's Office, the Financial Police and the Ministry of the Interior, who then take measures necessary to reveal the criminal offence from which illicit money is derived (predicate offences), and the criminal offence to cover up the illegally gained money itself.

Within the framework of international cooperation in the field of global prevention of money laundering, the Republic of Croatia has actively participated in the work of the Egmont Working Group as a Croatian Financial Intelligence Unit (FIU) since June of 1998.

Certain international standards pertaining to the prevention, uncovering and punishing money laundering are incorporated in the Croatian law (UN Convention against Illicit Trafficking in Narcotic Drugs and Psychotropic Substances; Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime; the 40 Recommendations by F.A.T.F. (Financial Action Task Force); Council of Europe Directive on Prevention of the use of the Financial System for the Purpose of Money Laundering).

International police co-operation is defined in the Police Act, Criminal Proceedings Act, Criminal Code, Act on International Legal Assistance in Criminal Matters, as well as in bilateral agreements concluded with 29 states. A total of 23 bilateral treaties and 8 other international acts has thus been signed; with two states – Bulgaria and Slovakia – both a bilateral treaty and an international act have been concluded, mutually complementary and constituting a single legal instrument.

The Republic of Croatia also entered into agreements with the SECI Centre and the European Police Office (EUROPOL).

The Agreement on Security between the EU and the Republic of Croatia was signed on 10th May 2006 and ratified on 1st November 2006.

EXISTING BILATERAL AGREEMENTS ON POLICE COOPERATION

1. Governmental Treaties - The Government of the Republic of Croatia concluded **26** bilateral treaties on police co-operation: with Albania, Austria, Belgium, Bosnia-Herzegovina, Bulgaria, Czech Republic, Chile, Egypt, France, Greece, India, Italy, Kazakhstan, Latvia, Hungary, Macedonia, Moldova, Romania, Slovakia, Slovenia, Serbia-Montenegro, Sri Lanka, Sweden, Turkey, Great Britain, Ukraine

- Agreement between the Republic of Croatia and the Republic of Austria on Police Cooperation, signed at Vienna on 14 November 2007
- Agreement between the Government of the Republic of Croatia and the Government of the Kingdom of Belgium on Co-operation in Police Matters, signed at Zagreb on 19 October 2004*/ ratified and published in the OG/ IT No. 5/05/*
- Agreement between the Government of the Republic of Croatia and the Council of Ministers of Bosnia and Herzegovina on co-operation in combating terrorism, illicit trafficking in narcotic drugs and drug abuse, as well as organised crime, signed at Sarajevo on 17 June 2002*/ ratified and published in the OG/ IT No. 5/03/*
- Agreement on co-operation between the Government of the Republic of Croatia and the Government of the Republic of Bulgaria in combating organised crime, illicit trafficking in narcotic drugs and psychotropic substances, and terrorism, signed at Sofia on 26 November 1996*/ ratified and published in the OG/ IT No. 10/03/*
- Agreement between the Government of the Republic of Croatia and the Government of the Czech Republic on co-operation in combating organised crime, illicit trafficking in narcotic drugs and psychotropic substances, terrorism as well as other kinds of dangerous criminal activities, signed at Prague on 30 November 1999*/ ratified and published in the OG/ IT No. 08/01/*
- Agreement on co-operation between the Government of the Republic of Croatia and the Government of the Republic of Chile in the prevention and control of abuse and illicit trafficking in narcotic drugs and psychotropic substances, signed at Santiago on 15 June 2001*/ ratified and published in the OG/ IT No. 11/04/*
- Agreement between the Government of the Republic of Croatia and the Government of the Arab Republic of Egypt on co-operation in combating organised crime, signed at Cairo on 22 November 2004*/ */ ratified and published in the OG/ IT No. 5/05 /*
- Agreement between the Government of the Republic of Croatia and the Government of the French Republic on Police Cooperation, signed at Paris on 10 October 2007
- Agreement between the Government of the Republic of Croatia and the Government of the Hellenic Republic on co-operation in combating illicit international trafficking in narcotic drugs and psychotropic substances, international terrorism and organised crime, signed at Athens on 23 November 1998.
- Agreement on co-operation between the Government of the Republic of Croatia and the Government of the Republic of India in combating illicit trafficking in narcotic drugs and psychotropic substances, international terrorism and organised crime, signed at New Delhi on 4 May 2001 */ ratified and published in the OG/ IT No. 2/2002/*
- Agreement between the Government of the Republic of Croatia and the Government of the Italian Republic on co-operation in combating illicit trafficking in narcotic drugs and psychotropic substances, and organised crime, signed at Rome on 28 May 1993 */ ratified and published in the OG/ IT No. 13/93/*
- Agreement between the Government of the Republic of Croatia and the Government of the Republic of Kazakhstan on the cooperation in suppressing organized crime,

illicit trafficking in narcotic drugs and psychotropic substances, terrorism and other dangerous criminal activities, signed at Astana on 5 July 2007

- Agreement between the Republic of Croatia and the Republic of Latvia on co-operation in combating terrorism, illicit trafficking in narcotic drugs, and organised crime, signed at Zagreb on 23 February 2001*/ ratified and published in the OG/ IT No. 11/03/*
- Agreement on co-operation between the Government of the Republic of Croatia and the Government of the Republic of Hungary in combating terrorism, illicit trafficking in narcotic drugs and drug abuse, as well as organised crime, signed at Zagreb on 9 February 1992 */ ratified and published in the OG/ IT No. 10/93/*
- Agreement on co-operation between the Government of the Republic of Croatia and the Government of the Republic of Macedonia in combating illicit international trafficking in narcotic drugs and psychotropic substances, international terrorism and organised crime, signed at Zagreb on 12 April 1996*/ ratified and published in the OG/ IT No. 3/97/* Agreement between the Government of the Republic of Croatia and the Government of the Republic of Moldova on co-operation in combating organised crime, illicit trafficking in narcotic drugs and psychotropic substances, terrorism as well as other kinds of serious crime signed at Chişinău on 16 February 2006
- Agreement between the Government of the Republic of Croatia and the Government of Romania on co-operation in combating terrorism, organised crime, illicit trafficking in narcotic drugs and psychotropic substances, as well as other kinds of illegal activities, signed at Zagreb on 30 September 2000* / ratified and published in the OG/ IT No. 06/02/*//
- Agreement between the Government of the Republic of Croatia and the Government of the Slovak Republic on co-operation in combating organised crime, signed at Bratislava on 30 November 2000 */ ratified and published in the OG/ IT No. 5/01/**/*
- Agreement on co-operation between the Government of the Republic of Croatia and the Government of the Republic of Slovenia in combating terrorism, illicit trafficking in narcotic drugs and drug abuse, as well as organised crime, signed at Zagreb on 4 June 1993*/ ratified and published in the OG/ IT No. 13/93/*
- Agreement between the Government of the Republic of Croatia and the Government of the Federal Republic of Yugoslavia on co-operation in combating organised crime, trafficking in narcotic drugs, psychotropic substances and precursors, terrorism and other serious criminal offences, signed at Belgrade on 8 May 2002*/ ratified and published in the OG/ IT No. 3/03/*
- Agreement between the Government of the Republic of Croatia and the Government of the Democratic Socialist Republic of Sri Lanka on co-operation in combating illicit international trafficking in narcotic drugs and psychotropic substances, international terrorism and organised crime, signed at Colombo on 7 May 2001*/ ratified and published in the OG/ IT No. 4/02/*
- Agreement between the Government of the Republic of Croatia and the Government of the Kingdom of Sweden on co-operation in combating crime, signed at Zagreb on 3 October 2005 */ ratified and published in the OG/ IT No. 9/06 /*
- Agreement between the Government of the Republic of Croatia and the Government of the Republic of Turkey on co-operation in combating international trafficking in narcotic drugs and psychotropic substances, international terrorism and organised crime, signed at Ankara on 7 November 1995* / ratified and published in the OG/ IT No. 7/96/*//

- Agreement on co-operation between the Government of the Republic of Croatia and the Government of Ukraine in combating terrorism, trafficking in narcotic drugs and drug abuse, as well as organised crime, signed at Kiev on 26 October 1993 */ ratified and published in the OG/ IT No. 3/94/*
- Memorandum of Understanding on co-operation in combating serious crime, organised crime, trafficking in narcotic drugs, trafficking in persons, trade in human beings, international terrorism and related issues of mutual concern – concluded between the Croatian Ministry of the Interior, Ministry of Finance and Public Attorney's Office on one side, and the representatives of the Police Administration of Great Britain and Northern Ireland on the other, signed at Zagreb on 1 March 2002*/ ratified and published in the OG/ IT No. 11/02/*

2. Ministry of Interior Treaties - The Croatian Ministry of the Interior also signed bilateral agreements with the Ministries of Internal Affairs of Poland, Austria, Slovakia, Bavaria, Baden Württemberg, Montenegro, Bulgaria, China and the Russian Federation.

- Agreement on the prevention and detection of criminal activities, concluded with the Ministry of Internal Affairs of Poland;
- Protocol on co-operation with the Ministry of Internal Affairs of Austria;
- Declaration on co-operation with the Ministry of Internal Affairs of the Republic of Slovakia;
- Joint Declaration on co-operation with the Bavarian Ministry of Internal Affairs;
- Joint Declaration on co-operation with the Ministry of Internal Affairs of Baden-Württemberg;
- Agreement between the Ministry of the Interior of the Republic of Croatia and the Ministry of the Interior of the Republic of Montenegro on co-operation in police matters;
- Agreement between the Ministry of the Interior of the Republic of Croatia and the Ministry of the Interior of the Republic of Bulgaria on co-operation in police matters;
- Agreement on co-operation between the Ministry of the Interior of the Republic of Croatia and the Ministry of Public Security of the People's Republic of China;
- Agreement between the Ministry of the Interior of the Republic of Croatia and the Federal Service of the Russian Federation for Narcotics Traffic Control on cooperation in combating illicit traffic of narcotic drugs, psychotropic substances and their precursors.

AGREEMENTS IN PREPARATION

The Government of the Republic of Croatia has 17 agreements in preparation with: Israel, Spain, the Russian Federation, Lithuania, Estonia, South Africa, Belarus, Bangladesh, Nepal, Pakistan, Brazil.

- Cooperation Agreement between the Government of the Republic of Croatia and the Government of the State of Israel in Fighting Illicit Traffic and Abuse of Narcotic Drugs and Psychotropic Substances and Other Crimes
- Cooperation Agreement between the Republic of Croatia and the Kingdom of Spain in Fighting Crime
- Cooperation Agreement between the Republic of Croatia and the Kingdom of Spain in Preventing Consumption and Suppressing Illicit Traffic in Narcotic Drugs and Psychotropic Substances

- Cooperation Agreement between the Government of the Republic of Croatia and the Government of the Russian Federation in Fighting Crime
- (Agreement between the Government of the Republic of Croatia and the Government of the Russian Federation on the Cooperation between the Ministry of the Interior of the Republic of Croatia and the Ministry of the Interior of the Russian Federation)
- Cooperation Agreement between the Government of the Republic of Croatia and the Government of Lithuania in Fighting International Illicit Traffic in Narcotic Drugs and Psychotropic Substances, International terrorism and Organized Crime
- Cooperation Agreement between the Republic of Croatia and the Government of the Republic of Estonia in Fighting International Illicit Traffic in Narcotic Drugs and Psychotropic Substances, International Terrorism and Organized Crime
- Cooperation Agreement between the Government of the Republic of Croatia and the Government of South Africa in Fighting International Illicit Traffic in Narcotic Drugs and Psychotropic Substances, International Terrorism and Organized Crime
- Cooperation Agreement between the Ministry of the Interior of the Republic of Croatia and the Ministry of the Interior of the Republic of Belarus
- Cooperation Agreement between the Government of the Republic of Croatia and the Government of Bangladesh in Fighting International Illicit Traffic in Narcotic Drugs and Psychotropic Substances, International Terrorism and Organized Crime
- Cooperation Agreement between the Government of the Republic of Croatia and the Government of the Kingdom of Nepal in Fighting International Illicit Traffic in Narcotic Drugs and Psychotropic Substances, International Terrorism and Organized Crime
- Cooperation Agreement between the Government of the Republic of Croatia and the Government of Pakistan in Fighting International Illicit Traffic in Narcotic Drugs and Psychotropic Substances, International Terrorism and Organized Crime
- Cooperation Agreement between the Government of the Republic of Croatia and the Government of the Federative Republic of Brazil in Fighting International Illicit Traffic in Narcotic Drugs and Psychotropic Substances, International Terrorism and Organized Crime

(e) Concerning international military tasks and missions in the prevention and fight against terrorism, the Republic of Croatia offered logistic support to the USA within the Anti-Terrorist Coalition.

In December 2002, Croatian Parliament ratified the decision of the Government on the participation of a Military Police platoon of the Croatian Army in the International Security Assistance Force (ISAF) in Afghanistan. Croatia is a signatory to the Memorandum of Understanding ISAF III. It has been actively involved in the NATO-led ISAF peace support mission with a military contingent since 2003 and with a civilian component since 2005. At the moment the fourteenth rotation of the military contingent is deployed in Afghanistan. The Croatian military contingent has assumed a variety of tasks, including training and mentoring the Afghan National Army with the specialized units tailored to the needs of the ISAF mission. It has expanded geographically beyond Kabul to several locations in the North and the West of the country. In December 2006, Croatian Parliament ratified the decision on increasing the military contribution to ISAF to the maximum of 200 troops in 2007, and to 300 in 2008. Additionally, Croatian Parliament ratified the decision on the military contribution to ISAF to the maximum of 300 troops in 2009. Croatia has 278 soldiers currently within ISAF operation. By the end of May 2009 the strength of the contingent will be approximately 300 troops. In July 2007, two police advisors from the Croatian civilian

team, deployed with the PRT Feyzabad since January 2005, became part of the EU mission EUPOL AFGHANISTAN, whereas a diplomat continued his engagement as deputy head for civilian affairs with the German-led Provincial Reconstruction Team (PRT) Feyzabad. Croatia continues its engagement and support to the Lithuanian-led PRT in Chaghcharan and the Hungarian-led PRT in Pol-e-Khomri. Croatian contribution to the international efforts in stabilizing the situation in Afghanistan is the most extensive engagement of the Republic of Croatia in an international peace-support operation. It also reflects the determination and the capability of Croatia to contribute to NATO's operations, as well as the long-term commitment of the Republic of Croatia to support international efforts in the stabilization of Afghanistan.

On 28 March 2008 Croatian Parliament ratified the decision on the participation of the Republic of Croatia in the United Nations Disengagement Observer Force (UNDOF) on Golan Heights. The Croatian military contingent consists of 100 soldiers with possibility of rotation until 31 December 2009.

On 15 July 2008 Croatian Parliament ratified the decision on the participation of the Republic of Croatia in the European Union military operation in the Republic of Chad and in the Central African Republic (Operation EUFOR Tchad/RCA) and accordingly the Republic of Croatia deployed a reconnaissance team of 15 soldiers to the operation. On 20 February 2009 Croatian parliament ratified the decision on the participation of the Republic of Croatia in the UN peace operation in the Republic of Chad and in the Central African Republic (MINURCAT). Upon the completion of the peace operation of the EU (EUFOR) on 15 March 2009, and rehatting procedure, 15 soldiers will continue their participation in MINURCAT and during April 2009 will be replaced by another 15 member team to serve the mandate in mission on 6 months term.

During 2009, ten years after joining in one UN peace mission for the first time, Republic of Croatia will continue its participation with military personel in 12 UN peace missions and 152 troops.

Finally, we would like to emphasize the fact that Croatia is employing significant efforts to educate and train its Armed Forces in counter-terrorism (*see Annex III*).

2. Description of the national planning - and decision-making process – including the role of the Parliament and Ministries – for the determination/approval of:

- (a) the military posture;**
 - (b) defence expenditures;**
- (Paragraphs 13, 22)**

(a) In accordance with provisions of the Defence Law (Official Gazette No. 33/2002) and amendments and supplements to the defence Law (Official Gazette No. 33/02, 58/02 and 76/07) the responsibilities for decision making in defence sector are distributed among Croatian Parliament, the President of the Republic, the Government Cabinet, and the Ministry of Defence. The Defence Law also defines planning with regard to the organization of the Armed Forces (Section II of the Defence Law).

Article 6 of the Defence Law defines the responsibilities of Croatian Parliament, Defence responsibilities included.

Croatian Parliament shall directly:

- 1) Pass the Defence Strategy
- 2) Decide on Defence budget portion
- 3) Adopt the Long-term Plan of Development of the Armed Forces
- 4) Discusses and adopt the Annual Report of the Croatian Government (henceforth: Government) on the state of readiness of the Defence sector, personnel policy implementation and the general condition of the Armed Forces.

Through its respective bodies the Parliament surveys the implementation of the Defence Plan of the Republic of Croatia, as well as the conduct of Defence preparations.

Article 7 of the Defence Law defines the responsibilities of the President of the Republic (as the Supreme Commander of the Armed Forces).

The legislative responsibilities of the Supreme Commander encompass:

- 1) Approving the proposed Defence Strategy of the Republic of Croatia
- 2) Passing the Military Strategy
- 3) Approving the proposed Defence Plan of the Republic of Croatia
- 4) Passing the Decision on the Size, Structure and Mobilization Development of the Armed Forces
- 5) Passing the Decision on the Military Territorial Division of the Republic of Croatia
- 6) Approving the structure of commands, units and institutions of the Armed Forces
- 7) Developing the Plan of Deployment of the Armed Forces, defining the basis of command and control of the Armed Forces – at the proposal of the Defence Minister
- 8) Passing the binding guidelines for building Defence readiness of the Armed Forces, proposed by the Minister of Defence, and in compliance with the Defence Strategy of the Republic of Croatia
- 9) Provides previous opinion regarding the proposed Strategic Defence Review

The Law Amending the Defence Act, passed by Croatian Parliament at its session on 06 July 2007 (NN 76/07 of 23 July 2007) Article 7, section 2, is amended by adding new items: 3) provides previous opinion regarding the proposed Strategic Defence Review, ...25) provides previous opinion regarding the proposed legislation in Defence sector passed by the Government and Parliament.

Article 8 of the Defence Act regulates the responsibility of the Government of the Republic of Croatia, which includes:

- 1) proposing the Defence Strategy to Croatian Parliament
- 2) proposing the Defence budget to Croatian Parliament
- 3) proposing the Long-term Development Plan to Croatian Parliament
- 4) delivering the Annual Report on the State of Readiness of the Defence System, Forces, Personnel Policy Implementation and the Overall State of the Armed Forces
- 5) passing the Defence Plan of the Republic of Croatia
- 6) adopts the Strategic Defence Review

The Law Amending the Defence Act amended Article 8 adding item 3 which reads: “adopts Strategic Defence Review”,

Article 10 of the Defence Act defines tasks for the Ministry of Defence. These include:

- 1) developing the proposed Defence strategy of the Republic of Croatia
- 2) approving the proposed Military strategy of the Republic of Croatia
- 3) proposing the Defence Plan
- 4) developing the Annual Report on the state of readiness of the Defence system, personnel policy implementation and the overall state of the Armed Forces
- 5) establishing the structure of commands, units and institutions of the Armed Forces
- 6) coordination of Defence plans developed by Defence subjects with the Defence Plan of the Republic of Croatia
- 7) developing the Long-term Plan of Development of the Armed Forces
- 8) defining, coordinating, developing and implementing the Defence policy
- 9) developing the Defence system and implementing the of Defence planning function

The Ministry of Defence is in charge of Defence matters for the Supreme Commander related to his Defence responsibilities.

The Law on Amending the Defence Act amended Article 10 adding item 3 to section 1 which reads: “drafts the Strategic Defence Review”,

Article 11 of the Defence Act regulates the tasks of the General Staff of the Armed Forces within the Ministry. These are, among others:

- 1) cooperation on Defence Strategy of the Republic of Croatia
- 2) developing the proposal of Military Strategy of the Republic of Croatia
- 3) developing the proposed Plan of Armed Forces deployment
- 4) developing the proposed Decision on the size, structure and mobilization development of the Armed Forces
- 5) proposed Decision on military territorial division of the Republic of Croatia
- 6) developing the segment of the Defence plan referring to military equipment functioning
- 7) proposals and implementation of the structure of commands, units and institutions of the Armed Forces
- 8) proposals for development, equipping and modernization of the Armed Forces cooperation in planning, programming and developing of the budget allocated for the Armed Forces.

Minister of Defence approves the proposed Plan for the Use of the Armed Forces prepared by the General Staff and forwards it to the President for adoption.

The above stated plainly shows that no government administration body has the exclusive responsibility for developing Defence regulations, documents and plans, and that the responsibility rests with several bodies, depending on the type and significance of a document; their participation may consist in proposing, approving, discussing, providing judgment, and passing a particular document, and making decision on a particular issue.

(b) The defence planning process is part of the state budget developing process. It is a result of interaction among the President of the Republic of Croatia, Croatian Parliament, Croatian Government, the Ministry of Finance, the Ministry of Defence, and other ministries. The state budget for one year (and MOD budget, too) is approved by Parliament.

The defence planning process is regulated by:

- The Budget Law “Official Gazette” no 96/2003,

- The Law on State Budget Execution for current year,
- The Defence Act “Official Gazette” no 33/2002 and no 58/2002 and 76/07
- The regulation on the Method of Planning, Programming, Development and Implementation of the MOD Budget “Official Gazette” no 38/2003 and no 168/2003.

According to Article 18 of the Budget Law, the process of preparation of the state budget (and the process of defence planning, too) for the following year begins with a draft of the Ministry of Finance concerning the economic and fiscal policies for a three-year period. The guidelines shall contain prerequisites for the social and economic development for the three-year period, basic macroeconomic indicators, an estimate of revenues and expenses and receipts and expenditures of all levels of the budget of the Republic of Croatia, a broad proposal of the financial plan scope by budget users, projected changes in the state assets and assets of local and regional self-government units and the debt and a global overview of the assumed state budget obligations that shall be settled in the following years. The Ministry of Finance proposes the guidelines to the Government.

Article 20 of the Budget Law defines the obligation of the Ministry of Finance to deliver the instructions for the development of the state budget proposal to budget users and extra budgetary users (on the basis of the Government’s guidelines).

At the Ministry of Defence the process of defence planning starts with the document of the Minister of Defence which contains guidance for developing the defence budget.

According to the regulation on the Method of Planning, Programming, Development and Implementation of the MOD Budget, the MOD Budget is made in the terms of programs and activities/projects to improve effectiveness of defence spending.

3. Description of:

- (a) constitutionally established procedures ensuring effective democratic control of the military, paramilitary, and internal security forces, as well as the intelligence services, and the police;**
 - (b) constitutionally established authorities/institutions responsible for the democratic control of military, paramilitary and security forces;**
 - (c) roles and missions of the military, paramilitary and security forces as well as controls to ensure that they act solely within the constitutional framework;**
 - (d) public access to information related to the armed forces;**
- (Paragraphs 20, 21, 22)**

(a); (b) The Constitution of the Republic of Croatia (Article 7, paragraph 5) states: “Defence organization, command, control and democratic control of the Armed Forces are defined by the Constitution and respective law”.

The Defence responsibilities of the Parliament (as defined in Article 80) include:

- 1) adopting the National Security Strategy and the Defence Strategy and
- 2) exercising civilian control of the Armed Forces and security services of the Republic of Croatia

The Constitution of the Republic of Croatia prescribes the general responsibility of other

government administration bodies, further defined by respective laws (including the Defence Act as set forth in bullet 2).

(c) Article 7 paragraph 1 of the Constitution of the Republic of Croatia states that:

“The Armed Forces of the Republic of Croatia are to safeguard her sovereignty and independence and to defend her territorial integrity ... In cases set forth in Articles 17 and 100 of the Constitution – state of war, imminent threat to the independence and integrity of the country and large-scale natural disasters – the Armed Forces, if so necessitated by the situation, may be deployed to assist the police and other government administration bodies.”

The Article 92 (of the Defence Act) states the matter as follows:

“The Armed Forces are assigned with safeguarding the sovereignty and the independence of the Republic of Croatia.”

The Armed Forces may, under the conditions defined by the Constitution, international agreements and the law, take part in international peace, humanitarian and other operations, perform different tasks in the event of imminent threat and provide assistance to the civilian government institutions and the population in the event of natural, man-made and environmental disasters.

(d) Information concerning the activities of the Ministry of Defence and the Armed Forces of the Republic of Croatia are made available to the public through the Ministry’s Directorate for Public Affairs and Information, which runs the contacts and cooperation with the media.

**4. Stationing of armed forces on the territory of another participating State in accordance with their freely negotiated agreement as well as in accordance with international law.
(Paragraph 14)**

The Republic of Croatia has signed, confirmed and published (“Official Gazette–International Agreements”, no 14/2001) the Agreement between the signatories to the North Atlantic Treaty and other countries of the Partnership for Peace on the legal position of their forces with the Additional Protocol – SOFA. The Agreement became effective for the Republic of Croatia on February 10, 2002 (in compliance with the published Agreement Confirmation Act).

For the record, the issue of positioning the Armed Forces is regulated in the Defence Act, Article 6.

The Law on Amending the Defence Act amended Article 6, section 2, subsection 6, section 2, para. 6 as follows:

“Croatian Parliament:

- decides on Armed Forces deployment outside the borders of the Republic of Croatia, and on entering or deployment of foreign Armed Forces in Croatian territory for exercises, except for Armed Forces deployment outside the national territory or entering the territory as part of the international defence organization the Republic of Croatia has acceded or is acceding to based on international agreements, or for humanitarian assistance.
- decides on the conduct of international military exercises in the Republic of Croatia which include Armed Forces from the countries outside the framework of international defence organizations that the Republic of Croatia is a member or becoming a member of on the basis of international agreements, and decides on their entry into the Republic of Croatia.

- decides on the participation of the Armed Forces in international military exercises outside the Republic of Croatia which include armed forces from the countries that are not within the framework of international defence organizations that the Republic of Croatia is a member or becoming a member of on the basis of international agreements.”

The matter of deployment of the Armed Forces outside the border of the Republic of Croatia is regulated precisely by the Law on Participation of Members of the Armed Forces, the Police, Civil Defence and Senior and Junior Civil Servants in Peace Operations and other Activities Abroad ("Official Gazette" – no 32/2002 March 29, 2002).

Based on Article 4 of the Law, prior decision on sending the members of the Armed Forces of the Republic of Croatia abroad, crossing the state border and deployment abroad is passed by the Croatian Parliament.

Members of the Armed Forces of the Republic of Croatia will be sent to peace operations and other activities abroad by an order of the President of the Republic as the Supreme Commander and based on the prior Decision of the Croatian Parliament.

Exceptionally, for participation in exercises and training within the international Defence organizations the Republic of Croatia has acceded or is acceding to based on a signed international agreement, members of the Armed Forces will be deployed abroad by the decision of the President based on international agreements.

In the humanitarian assistance events members of the Armed Forces will be deployed by the decision of the President of the Republic upon the prior decision by the Government of the Republic of Croatia.

Therefore, in this case, too, in compliance with Article 7 of the Constitution of the Republic of Croatia ("Official Gazette" 41/2001 and 55/2001), the responsibility for prior decision and the decision on deployment is distributed between Croatian Parliament (in the event of humanitarian assistance, the prior decision is with the Government) and the President of the Republic.

5. Description of:

- (a) procedures for the recruitment or call-up of personnel for service in the military, paramilitary, or security forces, if applicable;**
- (b) exemptions or alternatives to compulsory military service, if applicable;**
- (c) legal and administrative procedures protecting the rights of all forces personnel;**
(Paragraphs 27, 28, 33)

(a) Recruitment procedure in the Republic of Croatia is prescribed by the provisions of the Defence Act.

Military service comprises recruitment, compulsory military service, civilian serving and serving in the reserve.

Women are not subject to recruitment and compulsory military service, but are subject to serving in the reserve (under the terms set forth in this Law).

Recruitment commences in the calendar year of the recruits' reaching 18, and lasts until commencing the military service or civilian serving, or transfer to reserve component or termination of military service in compliance with the provisions of the Act.

During the service the recruits are subject to:

- 1) registration with conscript register
- 2) medical and other examinations and psychological testing
- 3) recruitment
- 4) commencing the compulsory military or civilian serving
- 5) responding to the general or individual summons and other duties set forth in this Act

Recruiting is conducted by recruiting boards, set up by a decree of the Defence Minister.

The Defence Minister, with the approval of the minister of health, prescribes the measures and procedures for assessing psychological and health aptitude of conscripts for military service.

Recruiting is generally conducted in the year of conscripts' reaching 18.

Recruiting boards assess the aptitude of recruits for military service based on the findings and results of prior medical and psychological examinations, and if necessary, additional medical examinations.

The assessment categories are as follows:

- 1) capable of military service
- 2) temporarily incapable of military service
- 3) incapable of military service

Recruits evidently incapable of military service due to physical defect or severe illness are not referred to medical and other examinations.

Ineptitude for military service is declared on the basis of medical record enclosed and not older than 6 months, or the initial medical documents issued at the time of the onset of the physical defect or severe illness.

Recruits assessed temporarily incapable of military service will be invited for another procedure at the expiration of the period for which the ineptitude has been established.

Recruits found temporarily incapable of military service for the time exceeding the year in which they reach the age of 27 will be delegated to the reserve component following the expiration of the year in which they reach the age of 27.

If recruits are found temporarily incapable of military service twice on the same grounds, at the third examination the recruitment board is to make the final decision on his aptitude for military service.

(b) In the Republic of Croatia, along with the exemption from military service on medical grounds and change of citizenship, conscientious objection is allowed. (Article 38 of the Defence Law):

“Conscientious objection is allowed to those who for religious or moral reasons refuse to take military duties in the Armed Forces” (hereinafter: civilian service subjects).

Requests for civilian service are to be submitted by recruits or reserve component members upon their registration with conscript register.

Civilian service is to be regulated by a separate law.

Through the Law Amending the Defence Act, Articles 39a and 39b are added after Article 39, reading:

»Article 39a

Croatian Parliament may pass the decision not to call up conscripts.

The Government may, with the prior approval of the Supreme Commander, propose to Croatian Parliament to pass the decision on not calling up conscripts.

The proposal referred to in paragraph 2 of this Article shall be drawn up by the Ministry of Defence, with the involvement of the General Staff, on the basis of defence requirements and interests of the Republic of Croatia.

Following the passage of the decision not to call up conscripts, the conscripts who desire so may by the end of the calendar year in which they turn 30 enlist for voluntary service in accordance with the regulation concerning the voluntary military service.

Women may also enlist for voluntary military service and are then subject to conscription.

The regulation concerning the voluntary military service shall be issued by the Minister of Defence.

Article 39b

In case of imminent threat or the state of war the decision not to call up conscripts shall not be applicable.

If the authorities are prevented from regularly discharging their legally prescribed duties while the decision not to call up conscripts is in effect, the Supreme Commander may at the proposal of the Prime Minister and with his co-signature pass the decision to call up conscripts.

The Supreme Commander shall submit the decision referred to in paragraph 2 above to Croatian Parliament for approval as soon as it is able to convene.«

39a, 39b

Amendments to the Defence Act enabled Parliament to put conscription into abeyance; this decision had been taken by Parliament on 5 October 2007 and took effect as of 1 January 2008. No conscripts have been called up since summer 2007. Amendments to the Defence Act also introduced the possibility of voluntary conscript military service, including voluntary conscript military service for women. All volunteers that still wish to serve can do so by the end of the year in which they attain the age of 30.

First generation of voluntary conscripts began to serve the voluntary military service in November 2008. Voluntary service lasts 14 weeks. Upon successful completion of training, in accordance with the results achieved in the training, conscripts will be offered the possibility of admission to active military service. In the year 2009 it is planned to organize the service of voluntary military service for two more generations.

(c) Article 129 of the Defence Act states:

“To the Ministry of Defence will be Assigned senior and junior civil servants and active duty personnel, to organizational posts as defined by the Regulations on internal order in the Ministry of Defence. To the Armed Forces will be assigned active duty personnel and senior and junior civil servants, to organizational posts as defined in organization documents of the Armed Forces commands, units and institutions. The rights, duties and responsibilities of the

personnel assigned to duty in the Armed Forces are regulated by a separate law". (That is, the Law on Service in the Armed Forces, "Official Gazette" no 33/2002, March 29, 2002.)

According to Article 12 of the Law on Service in the Armed Forces, "the documents regulating admission into service, assignment, salaries, rights, duties and responsibilities as well as termination of the service are administrative documents", meaning that they submit to the Law on general administrative procedure and the Law on administrative dispute (with the provisions on appeals procedure and initiating the administrative dispute before the Administrative Court of the Republic of Croatia by an injured party).

Article 14 of the Law states:

"All issues not envisaged in this Law or regulations based on it shall be regulated by the regulations concerning senior and junior civil servants, by the general labour regulations as well as the Collective Agreements concluded in compliance with those."

In June 2008 Regulations of voluntary military service were adopted, which in detail regulate issues relating to voluntary military service.

**6. Instruction on international humanitarian law and other international rules, conventions and commitments governing armed conflict included in military training programs and regulations.
(Paragraphs 29, 30)**

Article 92 of the Defence Act regulates the issue as follows:

"Members of the Armed Forces shall in all situations while deployed in combat or non-combat operations abide by the principles of international military law on human treating the enemy soldiers and other inherent regulations in compliance with the Constitution, international agreements and the law".

Members of the Armed Forces are allowed to refuse orders compelling them to act contrarily to the provisions of the Constitution and international law.

To ensure the realization of the above mentioned objective, international humanitarian law and other international principles, conventions and agreements pertaining to armed conflicts have been integrated into military training programs and regulations.

ANNEXES

- a) ANNEX I – *Relevant National Legislation*
 - i) *The Penal Code*
 - ii) *The Criminal Procedure Act*
 - iii) *The Act on Prevention of Money Laundering*
 - iv) *The Act on the Office for Suppression of Corruption and Organized crime*
 - v) *The Police Act*

- b) ANNEX II – *Interagency Working Group for the Suppression of Terrorism*

- c) ANNEX III – *Additional Education of Armed Forces*

ANNEX I RELEVANT NATIONAL LEGISLATION

International treaties pertaining to the suppression of terrorism, to which the Republic of Croatia is a party, form part of the Croatian legal system. Pursuant to Article 140 of the Constitution of the Republic of Croatia:

“International agreements concluded and ratified in accordance with the Constitution and made public, and which are in force, shall be part of the internal legal order of the Republic of Croatia and shall be above law in terms of legal effects.”

1. The Penal Code

The Penal Code of the Republic of Croatia differentiates between the criminal act of international terrorism (Article 169), that necessarily contains a foreign element, from the criminal act of anti-state terrorism (Article 141) which is directed against the Republic of Croatia aiming at endangering the constitutional organization or security of the Republic of Croatia (“*internal terrorism*”). The text of the Penal Code is harmonized with the Council Framework Decision of 13 June 2002 on combating terrorism, OJ L 164 of 22 June 2002, p. 3.

The Penal Code also contains other articles related to terrorism: Article 170 (Unlawful Acts against the Safety of Internationally Protected Persons), Article 171 (Taking of Hostages), Article 172 (Abuse of Nuclear Substances), Article 179 (Unlawful Seizure of Aircraft or Ship), Article 181 (Unlawful Acts against the Safety of International Air Transport and International Navigation) and Articles 187, 187a and 187b (criminal offences against the values protected by international law).

**“Anti-State Terrorism
Article 141**

Whoever, with an aim to endanger the constitutional order or the security of the Republic of Croatia, causes an explosion, fire, or by a generally dangerous act or device imperils the lives of people or endangers property or kidnaps a person, or commits some other act of violence within the territory of the Republic of Croatia or against its citizens, thus causing a feeling of personal insecurity in citizens, shall be punished by imprisonment for not less than three years.”

**“International Terrorism
Article 169**

- (1) Whoever aims to cause major fear among the population, to force foreign states or international organizations to do or not do something or suffer, or who aims to seriously jeopardize the fundamental constitutional, political or economic values of a foreign state or an international organization, who commits a criminal offence referred to in Articles 170 through 172, and Articles 179 and 181 of this Code, who causes an explosion or fire, or by a generally perilous act or means creates a dangerous situation for people or property, who kidnaps a person or commits another violent act which can seriously harm a foreign state or an international organization shall be punished by imprisonment for not less than three years.*
- (2) Whoever seriously threatens to commit a criminal offence referred to in paragraph 1 of this Article shall be punished by imprisonment for one to five years.*
- (3) If, by the criminal offence referred to in paragraph 1 of this Article, the death of one or more persons is caused, the perpetrator shall be punished by imprisonment for not less than ten years or by long-term imprisonment.*
- (4) If, by the criminal offence referred to in paragraph 1 of this Article, the death of one or more persons or large-scale destruction is caused, the perpetrator shall be punished by imprisonment for not less than five years.*
- (5) In order to initiate criminal proceedings for the criminal offence referred to in this Article, an approval from the State Attorney of the Republic of Croatia is required.*

***Endangering the Safety of Internationally Protected Persons
Article 170***

- (1) Whoever kidnaps an internationally protected person, or commits some other act of violence against such a person or attacks his official premises, accommodation or his means of transport shall be punished by imprisonment for not less than one year.*
- (2) If the perpetrator, in the course of the perpetration of the criminal offence referred to in paragraph 1 of this Article, intentionally kills one or more persons, he shall be punished by imprisonment for not less than ten years or by long-term imprisonment.*
- (3) If, by the criminal offence referred to in paragraph 1 of this Article, the death of one or more persons is caused, the perpetrator shall be punished by imprisonment for not less than five years.*
- (4) Whoever endangers the safety of an internationally protected person by a serious threat to attack him, members of his family, his official premises, private accommodation or his means of transport shall be punished by imprisonment for one to five years.*

Taking of Hostages
Article 171

(1) Whoever kidnaps, seizes or detains and threatens to kill, to injure or to continue to detain another person in order to compel a certain state or an international organization to do or abstain from doing any act as an explicit or implicit condition for the release of a hostage shall be punished by imprisonment for three to fifteen years.

(2) If the perpetrator, in the course of the perpetration of the criminal offence referred to in paragraph 1 of this Article, intentionally kills a hostage, he shall be punished by imprisonment for not less than ten years or by long-term imprisonment.

(3) If, by the criminal offence referred to in paragraph 1 of this Article, the death of the hostage is caused, the perpetrator shall be punished by imprisonment for not less than five years.

Misuse of Nuclear Materials
Article 172

(1) Whoever, by force, threat, the perpetration of a criminal offence or by any other way without authorization, procures, possesses, uses, transports, stores, gives to another or enables another to procure nuclear materials shall be punished by imprisonment for three months to three years.

(2) Whoever, by the act referred to in paragraph 1 of this Article, endangers human lives and property to a greater extent shall be punished by imprisonment for six months to five years.

(3) The same punishment referred to in paragraph 2 of this Article shall be inflicted on whoever, by serious threat to use nuclear material, endangers the safety of people.

(4) Whoever, in order to compel some state or international organization or a natural or legal person to do or refrain from doing an act, threatens to endanger the lives of people and property to a greater extent through the use of nuclear material shall be punished by imprisonment for one to ten years.

(5) Whoever commits the criminal offence referred to in paragraph 2 of this Article by negligence shall be punished by imprisonment for three months to three years.

(6) If, by the criminal offence referred to in paragraphs 1, 2 and 4 of this Article, the death of one or more persons or extensive damage to property is caused, the perpetrator shall be punished by imprisonment for not less than three years.

(7) If, by the criminal offence referred to in paragraph 1 of this Article, the death of one or more persons or extensive damage to property is caused, the perpetrator shall be punished by imprisonment for one to ten years.”

“Hijacking an Aircraft or a Ship
Article 179

(1) Whoever, by force or serious threat to use force, takes over the control over an aircraft in flight or over a ship or a vessel shall be punished by imprisonment for not less than one year.

(2) If the perpetrator, in the course of the perpetration of the criminal offence referred to in paragraph 1 of this Article, intentionally kills one or more persons, he shall be punished by imprisonment for not less than ten years or by long-term imprisonment.

(3) If, by the criminal offence referred to in paragraph 1 of this Article, the death of one or more persons or the destruction of an aircraft, a ship or a vessel is caused, or some other

extensive pecuniary damage is caused, the perpetrator shall be punished by imprisonment for not less than five years.”

**“Endangering the Safety of International Air Traffic and Maritime Navigation
Article 181**

(1) Whoever, without an aim to commit the hijacking of an aircraft (Article 179), destroys or damages air navigation facilities or causes some other damage to the aircraft, places or carries into the aircraft an explosive or other device or a substance capable of destroying or damaging the aircraft, gives false information regarding the flight of the aircraft, performs violence against the aircraft crew members or commits some other act of violence, endangering thereby the safety of the flight, shall be punished by imprisonment for one to ten years.

(2) The same punishment as referred to in paragraph 1 of this Article shall be meted out to whoever, with an aim to interrupt operations at an airport and endangering the safety of air traffic, performs violence against a person employed at an international airport or seriously damages or destroys airport facilities or damages an aircraft not in use.

(3) The same punishment as referred to in paragraph 1 of this Article shall be meted out to whoever, without aiming to commit the hijacking of an aircraft or a ship (Article 179) or to commit a criminal offence of piracy on the sea or in the air (Article 180) by destroying or damaging the navigational facilities or by causing some other damage to a ship or a vessel, by placing or bringing onto the ship or a vessel explosives or other devices or substances capable of destroying or damaging the ship or the vessel, or who, by giving false information about the voyage of the ship or the condition of the vessel, by an act of violence against the crew members of the ship or vessel, or by any other act of violence, endangers the safety of the voyage of the ship or the safety of the vessel.

(4) If, by the criminal offence referred to in paragraphs 1, 2 and 3 of this Article, the death of one or more persons or the destruction or extensive damage to an aircraft, ship or vessel is caused or any other large-scale material damage is caused, the perpetrator shall be punished by imprisonment for not less than three years.”

Incrimination of the preparatory activities for terrorist criminal acts

Article 187a contains a criminal offence – Preparation of Criminal Acts against the Values Protected by the International Law. This article regulates sanctioning of persons who acquire or enable means, remove obstacles, provide or secure money or other financial means, plan or make arrangements with others, or undertake other actions which enable direct committing of terrorist criminal acts (international terrorism, taking of hostages, committing unlawful acts against the safety of internationally protected persons, abuse of nuclear substances, unlawful seizure of aircraft or ship and unlawful acts against the safety of the international air transport and international navigation). The perpetrator is sanctioned with one (1) to eight (8) years in prison.

Additionally, Article 187b defines the criminal act of subsequent help to the perpetrator of a criminal act against the values protected by the international law), and sanctions the persons who help, hide or impede the arrest of the perpetrators of terrorist criminal acts.

**“Association for the Purpose of Committing Criminal Offences against
the Values Protected by International Law
Article 187**

(1) Whoever organizes a group of people or in some other way joins three or more persons in common action for the purpose of committing the criminal offences referred to in Articles 156, through 160, Articles 169 through 172 and Articles 179 and 181 of this Code shall be punished by imprisonment for three to fifteen years.

(2) Whoever becomes a member of the group referred to in paragraph 1 of this Article shall be punished by imprisonment for one to eight years.

(3) The perpetrator of the criminal offence referred to in paragraph 1 of this Article who, by uncovering the group, prevents the perpetration of the criminal offences referred to in paragraph 1 of this Article shall be punished by imprisonment for six months to three years, but the punishment may also be remitted.

(4) The punishment shall be remitted for a member of the group who uncovers the group prior to having committed the criminal offence referred to in paragraph 1 of this Article.

**Planning Criminal Offences against
Values Protected by International law
Article 187a**

Whoever procures or makes functional the means, removes obstacles, provides and ensures pecuniary and other financial means, makes a plan or arrangements with others or undertakes any other action to create the conditions enabling the direct perpetration of criminal offences referred to in Articles 156 through 160, Articles 169 through 172, and Articles 179 and 181 of this Code shall be punished by imprisonment for one to eight years.

**Subsequent Assistance to the Perpetrator of a Criminal Offence against
Values Protected by International Law
Article 187b**

(1) Whoever conceals, gives food, clothing, money or in some other way takes care of the perpetrator of a criminal offence referred to in Articles 156 through 160, Articles 169 through 172, and Articles 179 and 181 of this Code in order to make it more difficult to discover and arrest him shall be punished by imprisonment for six months to three years.

(2) A person referred to in paragraph 1 of this Article shall not be punished if that person is married to the perpetrator of a criminal offence, if they live in a common law-marriage, if they are lineal relatives, siblings, adoptive parent and adoptee or their spouses or persons living in a common-law marriage with them.”

The Penal Code is harmonized with the provisions of Article 2 of the ratified UN Convention on Transnational Organized Crime by distinguishing a criminal organization (Article 89, paragraph 23) from a criminal group (Article 89, paragraph 22). Criminal organization is the basis of the concept of organized crime, and is, as well as a criminal group, closely related to the concept of terrorism.

Article 89

*“... (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 offences, whereby each of them exercises his share in the perpetration of a criminal offence.
(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 offences in order to realize pecuniary gain or to realize and supervise certain economic or other activities...”*

Additionally, Articles 332 to 336 of the Penal Code incriminate criminal activities (mostly preparatory), which are related to criminal offences of terrorism (conspiracy, associating, participating, making and supplying weapons and instruments for committing criminal acts, illicit possession of weapons and explosive substances etc.).

“Conspiracy to Commit a Criminal Offence Article 332

Whoever agrees with another to commit a serious criminal offence for which imprisonment for five years or a more severe penalty may be imposed shall be punished by a fine or by imprisonment not exceeding one year.

Associating for the Purpose of Committing Criminal Offences Article 333

- (1) Whoever organizes a group of people or in some other way associates three or more persons in joint action with an aim to commit criminal offences for which, according to the law, imprisonment of three years or a more severe punishment may be imposed shall be punished by imprisonment for three months to three years.*
- (2) Whoever organizes a criminal organization or manages it shall be punished by imprisonment for six months to five years.*
- (3) A member of the group referred to in paragraph 1 of this Article shall be punished by a fine or by imprisonment not exceeding one year.*
- (4) A member of the group referred to in paragraph 2 of this Article shall be punished by imprisonment for three months to three years.*
- (5) If a member of a group or a criminal organization uncovers such a group or criminal organization prior to committing a criminal offence as a member of it or for it, the court may remit his punishment.*

Making and Supplying Weapons and Instruments Intended for the Perpetration of a Criminal Offence Article 334

- (1) Whoever makes, supplies, possesses or enables another to obtain weapons, explosive substances or the means needed for their production, or poisons which he knows to be intended for the perpetration of a criminal offence, shall be punished by imprisonment for three months to three years.*

(2) Whoever makes or cedes to another a false key, skeleton key or other instrument or device for burglary, despite knowing it is intended for the perpetration of a criminal offence, shall be punished by a fine or by imprisonment not exceeding one year.

Illicit Possession of Weapons and Explosive Substances

Article 335

(1) Whoever, without authorization, makes, supplies, possesses or otherwise acquires for himself or a third person firearms, ammunition or explosive substances whose supply, sale or possession is not permitted to citizens shall be punished by a fine or by imprisonment not exceeding three years.

(2) Whoever, without authorization, supplies, possesses, sells, makes or exchanges large quantities of firearms, ammunition or explosive substances shall be punished by imprisonment for one to five years.

(3) Firearms, ammunition and explosive substances shall be forfeited.

Participating in a Group Committing a Criminal Offence

Article 336

(1) Whoever participates in a group of people which, by joint action, kills a person or inflicts serious bodily injury upon a person, commits arson, damages property to a large extent, or commits other acts of grave violence, or which attempts to commit such offences, shall for mere participation, be punished by imprisonment for three months to three years.

(2) The organizer or leader of the group committing the criminal offence referred to in paragraph 1 of this Article shall be punished by imprisonment for one to eight years.”

2. The Criminal Procedure Act

The Criminal Procedure Act (Articles 3-6, 186, 237) contains procedural institutes and measures that provide to the State Attorney’s Office, the police and courts, a legal framework for the discovery, investigation, processing and pronouncing criminal legal sanctions to perpetrators of criminal offences of terrorism. However the foundation for the protection of human rights is provided in the Croatian Constitution (*Personal and political freedoms and rights* art. 21 - 47), e. g.:

- the presumption of innocence;
- the arrest conditioned with a valid court warrant;
- the unconditional humane treatment and respect of dignity for the detained person;
- the right to the independent and fair trial;
- the right to be informed in detail, and in the language person understands, within the shortest possible term, of the nature and reasons for the charges against him/her and of the evidence incriminating him/her;
- to have adequate time and opportunity to prepare his/her defence;
- to a defence counsel and free communication with him/her, and to be informed of this right;
- to defend him/herself in person or with the assistance of a defence counsel of his/her own choice, and if (s)he lacks resources to engage a counsel, to have a free counsel under the terms specified by law;
- to be tried in his/her presence if he is accessible to the court;

- to interrogate or have the prosecution witnesses interrogated and to demand the presence and hearing of the defence witnesses under the same circumstances as for the witnesses for the prosecution;
- to free assistance of an interpreter if (s)he does not understand the language used in the court.

When there is ground to suspect that a criminal offence was committed which shall be prosecuted *ex officio* or that such a criminal act is being prepared, the police will undertake appropriate measures to find the perpetrator, that is to prevent the perpetrator or his accomplice/s from hiding or fleeing, to find and secure the traces of the criminal act and objects which can help to establish facts, and any other notifications that can be useful in the successful conduct of criminal proceedings afterwards. The **State Attorney** in charge must be notified about all the undertaken measures within 24 hours and is authorized to supervise police investigations directly.

3. The Act on the Prevention of Money Laundering

This law regulates the establishment of the Anti-money Laundering Department, within the Ministry of Finance, as an autonomous and independent financial-intelligence administrative unit, which acts as an intermediary between the police and the judiciary.

4. The Act on the Office for the Suppression of Corruption and Organized Crime

The Act on the Office for the Suppression of Corruption and Organized Crime is a special act passed on the basis of the Penal Procedure Act which regulates the Office for the Suppression of Corruption and Organized Crime, dealing with the criminal acts of corruption, criminal acts which are the result of an organized group or a criminal organization activities and criminal acts where the perpetrators are related to foreign states.

The Law contains provisions on safeguards upon the seizure of means, income or property gained through criminal acts, until the end of the criminal proceedings. The property is frozen before the initiation of the criminal proceedings if there is suspicion or possibility that the criminal act of international terrorism, sanctioned with no less than three years, was also committed, by three or more individuals or a criminal organization, in two or more states, or if the preparation, planning and giving instructions were done in another state, as well as if the criminal act is related to the activities of a criminal organization acting in two or more states (Article 21, paragraph 1, point 2 and 3). This is the proceeding of the seizure of property which can be used to finance terrorism or results from the acts of international terrorism.

The Law also contains provisions on the examination of crown witness (penitent witness), person willing to cooperate with the judiciary in detecting terrorism.

5. The Police Act

The Police Act contains provisions about the authority the members of the police force have when performing the police work.

The Police Act regulates police functions, the organisation of the police, police powers and the position of the employees of the Ministry of the Interior and police officers in terms of labour law. According to the Act, police functions are performed by the Ministry of the

Interior i.e. its Police Directorate which is organised on the national level and headquartered in Zagreb, its jurisdiction stretching throughout the territory of the Republic of Croatia. Furthermore, the Ministry of the Interior has 20 Police Administrations which closely follow the territorial organisation of the Republic of Croatia, so that each Police Administration has jurisdiction over the territory of a particular county and is further subdivided into police precincts and stations.

The Criminal Police Division acts within the police Directorate, it is in charge of surveillance and research of the state and developments in the crime in general throughout the national territory.

Through the Ordinance on Amendments to the Organisation of the Ministry of the Interior, issued by the Government on 21 December 2006, the war crimes and terrorism sector was organised in such a manner as to set up two separate departments within the Criminal Police Administration: the Terrorism and Extreme Violence Department, and the War Crimes Department, competent of surveillance of state and dynamics of terrorism and terrorist activities and of criminal investigation of criminal acts of terrorism and other security issues related to terrorism on the whole state territory. Such an organisation of police work has also been implemented in appropriate form throughout the police administrations of the Ministry. All police officials have to have university degree education and certain specialist knowledge, acquired through additional education.

In the Police Directorate the Special Police Headquarters was established, whose antiterrorist units are specially trained and capable of acting in crisis situations such as hostage crisis, unlawful aircraft seizure etc. In other words, these units are capable of neutralising direct threats.

If the criminal act of terrorism is committed, the role of the coordinator of criminal processing is assumed by the State Attorney in charge who requests undertaking appropriate measures to find the perpetrator, investigating criminal acts and evaluating certain investigational activities and measures in order to compile relevant data to initiate criminal proceedings. The State Attorney coordinates the work of all the services included in the criminal processing, first and foremost the police who do most of the job, as well as other participating services (the Anti-money Laundering Department, security forces etc.).

ANNEX II

INTERAGENCY WORKING GROUP FOR THE SUPPRESSION OF TERRORISM

Following the horrific events of 9/11, which unfortunately opened a new era in international terrorism, the Government of Croatia promptly established an **Interagency Working Group (IWG) for Monitoring Implementation of United Nations Security Council resolution 1373 (2001)**.

Since then, Croatia has devoted much time, effort and resources to facilitating adjustments of its legislation to bring them in line with the requirements of R-1373 (2001). In accordance with the guidelines for the submission of the national report, the Working Group prepared the first of the four Reports of the Republic of Croatia on the suppression of terrorism, submitted to the Security Council on 24 December 2001.

After more than four (4) years of the Global War against Terrorism, numerous international and regional initiatives have come into existence and have subsequently created new tasks for governments. Mindful of the necessity to combat terrorism on a plethora of levels, the Croatian Government adopted, at its session of 21 April 2005, the Decision on the establishment of **the Interagency Working Group for the suppression of terrorism**. Pursuant to this Decision, the Interagency Working Group was tasked with monitoring the implementation of Resolution 1267 (1999) on the measures against the Taliban regime, Resolution 1373 (2001) on the suppression of terrorism and Resolution 1566 (2004) on the threat to international peace caused by terrorist attacks and the implementation of other relevant international documents and initiatives within the European Union, the NATO, the Council of Europe and the OSCE in the combating terrorism.

The chairmanship of the IWG belongs to the Ministry of Foreign Affairs and European Integration which coordinates the work of all relevant Government's bodies included in the IWG: Ministry of the Interior; Ministry of Justice; State Attorney's Office; Ministry of Finance; Anti-Money laundering Department; Ministry of Economy, Labour and Enterprise; Ministry of Sea, Tourism, Transport and Development and all security agencies. The tasks of the Interagency Working Group are:

- to promote and coordinate activities of competent state bodies concerning the implementation of anti-terrorist measures, and draw up reports from their scope for every reporting period on the individual activities and measures undertaken to implement them in accordance with the guidelines for the drawing up of the Report to the UN Security Council's Counter-Terrorism Committee and to other international institutions;
- to examine reports of competent state bodies delivered to the Working Group as the background for the preparation of integral reports of the Republic of Croatia;
- to ensure coordinated Interagency activities in response to the questions of the UN Security Council's Counter-Terrorism Committee and other international institutions and interested parties;
- to propose viewpoints represented by the delegations of the Republic of Croatia at international conventions on terrorism;
- to report to the Government of the Republic of Croatia on activities undertaken in the process of the fulfilment of obligations assumed under the UN Security Council resolutions and international legal documents, on the activities of the Working Group and submitted reports to the UN Security Council's Counter-Terrorism Committee and other international institutions.

Within the scope of activities of the Interagency Working Group, each member of the group is, in particular, in charge of:

- coordinating measures, within his/her scope, aimed at implementing the obligations assumed under the UN Security Council resolutions and international legal documents;
- preparing and drafting, within his/her scope, reports on individual activities and measure undertaken in each reporting period;
- collecting data in order to formulate responses to individual questions from the resolutions of the UN Security Council Counter-Terrorism Committee, other international institutions and interested parties.

ANNEX III ADDITIONAL EDUCATION OF ARMED FORCES MEMBERS

International education

In the Ministry of Interior, a great deal of attention is paid to the education of police officials. It consists of regularly organizing seminars and courses, independently or in cooperation with the Police Academy, using proper knowledge and personnel, but also including external collaborators – scientists and experts. We would like to emphasize the course on “Criminalist processing of criminal acts committed by using explosive devices”, held every year, intended for the police officials engaged in combating terrorism. In addition, the personnel is trained in the courses and seminars organized by other countries, for example the Major Case Management Course, held at the FBI Academy in the USA, organized by the Department of State – DS/ATA (Diplomatic security service - Anti terrorism assistance program); various seminars organized under the auspices of the U.S. Government, regarding the actions to be taken in situations related to the danger of attacks by and use of weapons of mass destruction; seminar titled "International Postblast Investigational Techniques", organized by the U.S. Ministry of Justice, and various seminars regarding handling of weapons of mass destruction and other forms of education contributing to the training of police officials for the fight against terrorism.

Specialist education for the police officers is provided both by the Police and Justice Academy.

In the period from 2006 to 2015, the Long-term Development Plan of the Croatian Armed Forces envisages the establishment of a targeted education and training system as a priority project with direct effect on the fulfilment of the key operating capabilities for accomplishing tasks and missions (protection of the State sovereignty, defence of the Republic of Croatia and the Allies, participation in building safety and trust and assistance to civilian institutions). In the past 15 years, the education of CAF members and MOD employees, officers, NCOs and civil servants has been carried out permanently with a continuous improvement regarding both the military and civilian segments of education. CAF members attended courses at both military and civilian education facilities in Croatia and abroad. To date, more than 58,000 various forms of education were successfully completed. Currently, 1,135 members are attending civilian education programs in Croatia, and 463 military education programs.

In more than 20 partner countries 48 members are educated in areas ranging from national security studies and war colleges to various functional educations. Croatian MOD trains its employees at various international institutions such as:

- NORDCAPS initiative (United Nations Military Police Course) in the Kingdom of Denmark and the Republic of Finland;
- Hellenic Navy (Training in the Underwater Demolition School) in the Hellenic Republic;
- George C. Marshall Centre, European Centre for Security Studies (Program on Terrorism and Security Studies, Program in Advanced Security Studies, Senior Executive Seminar - "Terrorism's Growing Global Network"), Stability, Security, Transition and Reconstruction Course, in Federal Republic of Germany;

- Fuhrungsakademie Hamburg - Lehrgang Europäische Sicherheit, in Federal Republic of Germany
- National Defence University, Washington, DC - International Counterterrorism Fellows Program;
- Defence Institute of Security Assistance Management, Wright-Patterson Air Force Base, Ohio - Security Assistance Management International Purchaser Financial Course;
- Defence Resources Management Institute, Monterey, California - International Defence Management Course;
- U.S.-Coast Guard Training Centre (TRACEN), Yorktown, Virginia - Search and Rescue, Maritime Course;
- Counter Terrorism Fellowship Program - Combined Strategic Intelligence Training Program, Intelligence in Combating Terrorism, The Special Operations Combating Terrorism Course, Civil Military Responses to Terrorism, International Officer Tactical Intelligence
- Geneva Centre for Security Policy - International Training Course in Security in the Swiss Confederation;

Turkish PFP Training Centre and Centre of Excellence-Defence Against Terrorism Ankara - 16 courses in the Republic of Turkey.