



UNITED NATIONS

A/CONF. CRO/2

Tenth
United Nations Congress
on the Prevention of Crime
and the Treatment of Offenders

Vienna, 10- 17 April 2000

**International Cooperation in Combating Transnational
Crime: New Challenges in the Twenty-first Century**

Report prepared by Republic of Croatia

INTERNATIONAL COOPERATION IN COMBATING TRANSNATIONAL CRIME

(11 topic of the Congress in Plenum)

1.1. Concerning international character of the fight against all types of organised crime and the need for co-operation and permanent harmonisation states and their legal systems, the Republic of Croatia points out main precepts of Croatian positive legislature concerning measures against money laundering, drug abuse, corruption, organised crime, confiscation of assets acquired by criminal act and readiness to co-operate on international level in combating transnational crime.

International dimension of internal security of the Republic of Croatia today cannot be achieved only by measures undertaken within its national borders.

Strengthened international co-operation of all subjects involved in detection and suppression of organised crime and reduction of formalities for interstate co-operation are essential.

On international level and with the purpose to oppose transnational crime, a need was highlighted, for establishing of one inter-parliamentary body which would be set up in Geneva in the fight against money laundering, corruption and organised crime, since it directly influence the political and economic stability of countries and problems of developing and countries in transition has been pointed out.

Croatia gave a great significance to its efforts of political and economic orientation towards world and European integrations by signing- OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions and legal penal Council of Europe Anti-Corruption Convention on 15.9.1999.

On 6th November 1996, Croatian Minister of foreign affairs signed European Convention for the Protection of Human Rights and Fundamental Freedoms with changes according to the protocols.

Convention and protocols get priority over internal legislature which in case of discrepancy should be harmonised with their regulations.

Harmonisation of Croatian legislation with European Convention for protection of human rights and basic freedoms is connected with wholesome reform of Croatian legislation which was commenced with independence of Croatia and bringing new Constitution

By the principle of general succession Croatia adopted a series of international agreements and signed also several bilateral agreements from the field of organised crime.

Besides those agreements there are also agreements which Croatia adopted and which related extradition and giving assistance in criminal matters. As the forms of international co-operation the following are treated: extradition as the most frequently requested type of co-operation as well as all other types of co-operation which comprise witness hearing, transmission of dispatch letters, gathering of other evidence, giving certain information, giving over penal prosecution, execution of foreign verdict, surveillance of conditionally sentenced persons, presence when undertaking of actions abroad etc.

Present solutions in the field of international legal co-operation of Croatia are the expression of political and penal legal understanding of state sovereignty and the problems of suppression of criminality.

Regarding the domestic law, regulations of article 2 para 2 of Penal Code (the principle of legality) stipulate that criminal acts and legal sanctions can be prescribed by the law as the main source of penal law, but also international law is to the same extent significant as intermediary source of penal law.

By this we mean the rules of international public law which regulate the issues which directly influence the content, strength and extent of penal legal provisions.

The most significant general sources of international penal law which, by ratification i.e. signing by Croatia, became a part of internal law and which by their power are above the law are:

- European Convention on Mutual Assistance in Criminal Matters from 1959
- Additional protocol to the European Convention on Mutual Assistance in Criminal Matters from 1959

Croatia is also signatory to the Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime from 1990 which represents one of the instruments in the fight against organised crime.

Countries - signatories to the Convention - among which there is also Croatia which on 29th September 1997 brought the Law on confirmation of Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime from 1990, took over the obligation to harmonise their legislation and bring other necessary measures in order to enable the identification and tracing property acquired in illegal manner i.e. by commission of criminal acts.

By signing those Conventions Croatia complied with international standards concerning material-legal and procedural provisions necessary for suppression of acquisition of material benefit derived from criminal act and also in the context of organised crime.

By stabilisation of political situation in the region it is situated, Croatia as well as other countries in transition, faced the problems of suspicious financial transactions.

The law on suppression of money laundering came in force on 1st November 1997 and with it, it is proscribed that in the system of the Ministry of Finance, Financial police, Bureau for suppression of money laundering is set up, whose duty would be gathering, processing, analysing and keeping the data received from the payers, and give information to the competent state authorities and together with them undertake measures for suppression of money laundering.

International organisations (UN, INTERPOL, GATT, PHARE) monitor the movement of global criminality, and especially financial. In all resolutions brought by those bodies special attention is given to the creation of and enhancement of legislation which should oppose to the most efficient extent, criminal activities.

Croatia, on the international level of the fight against money laundering, points out the need for more efficient international co-operation which is in the interest of all countries and which can help to stop this type of criminality which has very serious and harmful effect on the economies of European countries.

At the session of the Committee for Legal Matters of Egmond Group in Amsterdam in February 1998, the decision of admittance of the

Republic of Croatia in full membership of Egmond Group. At the 6th international summit June in Buenos Aires, Croatia was officially proclaimed a full member of Egmond Group and Croatian Office for Prevention of Money Laundering and other services in charge of prevention of money laundering in Croatia were presented.

The drug related crime in Croatia as well as in the world represents a problem difficult to solve which, despite the efforts of international community, government and non-government institutions, leaves immense consequences at both national and international level.

The increasing problem and the efforts of international community aimed at suppression of this problem affected the quickness of accepting and signing a number of conventions and protocols, the most significant of them being UN Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances. The Convention is also significant for the fact that confiscation of profit gained by drugs is mentioned in it for the first time. Croatia accepted the Convention as well.

Besides this, Croatia took active part in stability and within its anti-corruption initiative, Croatia prepares anti- corruption legislation.

Croatia actively participates in the work of the Ad Hoc Committee on the Elaborations of a Convention against Transnational Organized Crime in Vienna.

1.2. The international character of crime has incited Europe and the world to co-operate, with the purpose of crime suppression. Nowadays, the co-operation is carried out through INTERPOL, EUROPOL, Schengen Agreement, Trevi, UN working bodies, non-government international police organisations such as IACP, IPA and FIFPS but also outside of these institutionalised associations through exchange of experience, ad hoc co-operation on certain criminal offences, exchange of information and similar.

Until 30.09.199, Croatia has signed and ratified international agreements in the fight against terrorism, drug trafficking and drug abuse, organised crime, at the level of governments or at the level of Ministries of the Interior, with 17 countries.

The agreements concerning fight against terrorism, drug abuse and trafficking and organised crime are still in the stage of suggestion or in procedure with 32 countries. Through agreements on accepting persons

whose stay is against the law and through re-admission agreements, Croatia also implements international co-operation.

Croatia participates in the work of UN and Interpol as an active member, while it participates as an observer in the work of a number of institutions at European level.

With its organisation and legislative changes, the Republic of Croatia builds foundations for successful suppression of crime. Among the types of co-operation we should emphasise the exchange of experience, expert meetings, exchange of information, co-operation in solving actual crimes and a number of other forms.

According to the estimates today, organised crime participates in total crime with 1,5% which is an encouraging figure and we should strive for the figure to stay the same, with necessity of all types of co-operation, firstly with European countries.

I thank you Mr. President

**BILATERAL AGREEMENTS (CONVENTIONS) ON BILATERAL HELP
IN CRIMINAL LEGAL MATTERS AND EXTRADITION WHICH
CROATIA HAS SIGNED OR WHICH OBLIGE THE REPUBLIC OF
CROATIA ACCORDING TO THE ARTICLE OR CONSTITUTIONAL
DECISION ON SOVEREIGNTY AND INDEPENDENCE
("Narodne novine", 31/91)**

1. Convention on betrayal of guilty persons with the Republic of Albania of 22.06.1926
2. Agreement on legal help in civil and criminal matters with the People's Democratic Republic of Algeria of 31.03.1982
3. Agreement with the Republic of Austria on legal help in criminal matters of 01.02.1982
4. Agreement with the Republic of Austria on extradition of 01.02.1982.
5. Agreement with the Republic of Austria on Mutual execution of court decisions in criminal matters of 01.02.1982.
6. Convention on extradition and legal help in criminal matters with the Kingdom of Belgium of 04.06.1971.
7. The Agreement between the Government of the Republic of Croatia, the Government of Bosnia and Herzegovina ad the Government of Federation of Bosnia and Herzegovina on legal help in civil and criminal matters of 26.02.1996.
8. The Agreement between the Government of the Republic of Croatia, the Government of Bosnia and Herzegovina ad the Government of Federation of Bosnia and Herzegovina on mutual execution of court decision in criminal matters of 26.02.1996.
9. Agreement with the People's Republic of Bulgaria on mutual legal help of 23.03.1956.
10. Agreement with the Republic of Cyprus on legal help in civil and criminal matters of 19.09.1984.
11. Agreement with Socialist Republic of Czechoslovakia on regulation of legal relations in civil, family and criminal matters of 20.01.1964
12. Convention with the French Republic on mutual legal assistance in criminal matters of 29.10.1969.
13. Convention on extradition with the French Republic of 23.11.1970.
14. Convention with the Kingdom of Greece on mutual legal relations of 18.06.1959.
15. Agreement on extradition of guilty persons with Holland of 28.02. (11.03.) 1896.
16. Convention with Italy on extradition of guilty persons of 06.04.1922.
17. Convention with Italy on legal and judicial protection of pertaining nationals of 06.04.1922.
18. Agreement with Hungary on mutual legal relations of 07.03.1968.

19. Agreement between the Republic of Croatia and the Republic of Macedonia on legal assistance in civil and criminal matters of 02.09.1994.
20. Agreement between the Republic of Croatia and the Republic of Macedonia on mutual execution of court decisions in criminal matters of 02.09.1994.
21. Agreement with the People's Republic of Mongolia on legal assistance in civil, family and criminal matters of 08.06.1981.
22. Agreement with the Federal Republic of Germany on legal assistance in criminal matters of 06.02.1960.
23. Agreement with the Federal Republic of Germany on extradition of 26.11.1970.
24. Agreement with the People's Republic of Poland on legal circulation in civil and criminal matters of 06.02.1960.
25. Agreement with the People's Republic of Romania on legal assistance of 18.10.1960.
26. Agreement between the Republic of Croatia and the Republic of Slovenia on extradition of 08.07.1994.
27. Agreement between the Republic of Croatia and the Republic of Slovenia on Extradition of 08.07.1994.
28. Agreement between the Republic of Croatia and the Republic of Slovenia on mutual execution of court decisions in criminal matters of 07.02.1994.
29. Agreement with the USSR on legal assistance in civil, family and criminal matters of 24.02.1962.
30. Convention on extradition of guilty persons with the USA of 12/25.10.1901.
31. Agreement with Spain on legal assistance in criminal matters and extradition of 08.07.1980.
32. Convention on extradition of guilty persons with Switzerland of 16/28.11.1887.
33. Convention on judicial legal assistance in criminal matters with the Republic of Turkey of 08.10.1973.
34. Convention on extradition with the Republic of Turkey of 17.11.1973.
35. Agreement on mutual extradition of guilty persons with Great Britain of 06.12.1900.

European Convention on Extradition of 13.12.1957.

Additional Protocol to the European Convention on Extradition of 15.10.1975. Second Additional Protocol to the European Convention on Extradition of 17.03.1978 (NN-MI, 14/94)

European Convention on the Transfer of Sentenced Persons of 21.03.1983 (NN-MU, 14/94)

European Convention on Mutual Assistance in Criminal Matters of 20.04.1959 and Additional protocol to the European Convention on Mutual Assistance in Criminal Matters of 17.03-1978 (NN-MU 4/99.)

Convention has not come into force yet.

European Convention on the Supervision of Conditionally Sentenced or Conditionally Released Offenders, Strasbourg, 30.11.1964 (NN-MU 3/95)

Text of the Convention has not been published.

The Law on ratification of Convention for the Protection of Human Rights and Fundamental Freedoms and protocols 1, 4, 6, 7 and 11 to the Convention for the Protection of Human Rights and Fundamental Freedoms published in NNMU, 18197.

Law on Ratification of Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime partly published in NN-MU, 14197.

Law on ratification of the Agreement between the Government of the Republic of Croatia and Government of Russian Federation on Co-operation and Mutual Assistance in the fight against illegal financial actions, including financial actions connected to legalisation (laundering) of proceeds from crime published in NN-MU 6/99.