



unesco

Protection of
Cultural Property in
the Event of Armed Conflict

**Four-year cycle
2017-2020**

**Questionnaire
National report on the implementation of the 1954 Hague
Convention and its two (1954 and 1999) Protocols**

GENERAL INFORMATION

1. Region:

State Party:
Republic of Croatia

2. Submission of previous national reports

2.1. 2013-2016 cycle

Yes

No

3. Actors involved in the preparation of the national report

3.1. Government institutions responsible for the protection of cultural property

3.2. National Commission for UNESCO

3.3. Military expert

3.4. Independent experts

If other actors have been involved, please indicate them

4. National Focal Point

According to paragraph 120 of the Guidelines for the Implementation of the Second Protocol: *"Unless a Party requests otherwise, the presumed focal point would be its Permanent Delegation to UNESCO."* If you do not consider the Permanent Delegation as a focal point, you are invited to provide the Secretariat with the name and address of a national focal point who will receive all official documents and correspondence related to the national periodic reporting.

Institution: Ministry of Culture and Media	Email: tamara.ganoci-frisch@min-kulture.hr
Name: Tamara Ganoci Frisch	Tel.: +3851 4866 635
Address: Zagreb, Runjaninova 2	Fax:

I. The Hague Convention of 1954

1. Article 3 - Safeguarding of cultural property

This Article provides for the obligation of the High Contracting Parties to adopt relevant peacetime safeguarding measures against the foreseeable effects of an armed conflict.

- *Has your State undertaken such measures?*

YES: NO:

You can complete your answer below, taking into account the guidelines in the model report.

Act on the Preservation and Protection of Cultural Property (Official Gazette, Nos. 69/99, 151/03, 157/03, 100/04, 87/09, 88/10, 61/11, 25/12, 136/12, 157/13, 152/14, 98/15, 44/17, 90/18, 32/20 and 62/20) Article 75 stipulates that institutions that perform activities related to the protection and preservation of cultural property and owners of cultural property are obliged to cooperate with the competent authority at peacetime in order to ensure:

- the conditions for the protection and preservation of cultural property in the event of extraordinary circumstances (armed conflict, earthquake, flood, fire, environmental incidents and disasters or other extraordinary circumstances),
- measures to prevent larceny, robbery, illegal appropriation of cultural property in any way, as well as all actions aimed at the destruction and damage of cultural property.

Article 76 of the relevant Act stipulates that in the event of the occurrence or declaration of extraordinary circumstances relevant for the protection of cultural property, the Minister of Culture may enact special protection measures during extraordinary circumstances, including measures to prevent damage to cultural property, determine the damage incurred and measures to mitigate and eliminate damage to cultural property. The county prefect, the mayor of the City of Zagreb, the mayor and the municipal mayor of city or municipality where the cultural property is located are obliged to provide the funds necessary for the implementation of the previously described special protection measures. In the event of the occurrence or declaration of extraordinary circumstances, the Ministry of Culture will make an inventory of damage to cultural property in cooperation with local and regional self-government units where the cultural property is located and enter damage to cultural property in the appropriate register of damage. In order to mitigate and eliminate the damage to cultural property, the Minister of Culture will develop and adopt a program of measures for the protection of cultural property in cooperation with local and regional self-government units where the cultural property is located.

Article 76a defines the cultural property management plan, which is adopted for the purpose of cultural property management, and contains an analysis of the situation, management objectives, activities for the implementation of objectives and indicators for the implementation of the plan. Cultural property management includes determining and monitoring the actual situation in order to improve its protection, permanent preservation of cultural property and its sustainable use in accordance with the management plan with the participation of all stakeholders for its protection and preservation.

2. Article 6 - Use of the distinctive emblem for the marking of cultural property

The 1954 Hague Convention creates a distinctive emblem for the exclusive marking of cultural property, with a view to ensure its recognition, particularly in the event of armed conflict. The

marking of cultural property is one of the preparatory measures that can be undertaken in time of peace.

- *Has your State **marked cultural property** by using the distinctive emblem of the Convention?*

YES: NO:

You can complete your answer below, taking into account the guidelines in the model report.

Article 54 of the Act stipulates that the competent authority is obliged to mark with special signage prescribed by the Minister of Culture all immovable cultural property, as well as facilities in which collections of cultural property are kept (museums, archives, galleries, etc.).

Additionally, the issue is regulated by the Ordinance on the Marking of Immovable Cultural Property and Facilities Keeping Collections of Cultural Property (Official Gazette no. 12/06).

3. Article 7 - Military measures

This Article provides for the obligations of the High Contracting Parties with regard to the introduction in their regulations or instructions for the use of their armed forces of provisions to ensure compliance with the Convention, as well as to plan or establish within their armed forces, services or specialist personnel whose purpose will be to secure respect for cultural property and to co-operate with the civilian authorities responsible for safeguarding such property. These are obligations to be implemented in time of peace.

- *Has your State introduced provisions in the **regulations and instructions for your armed forces** to ensure compliance with the Convention?*

YES: NO:

You can complete your answer below, taking into account the guidelines in the model report.

Provisions have been introduced in the military regulations of the Republic of Croatia Armed Forces to ensure compliance with the Hague Convention (1954) and the accompanying protocols (1954 and 1999).

Compliance with the Hague Convention and the accompanying protocols is also ensured by the provisions of the Defence Act (Article 40, paragraph 1: "Military personnel of the Republic of Croatia Armed Forces shall at all times and in all circumstances, adhere to the rules of international law of war and international humanitarian law when conducting combat and non-combat operations."; Article 40, paragraph 2: "Military personnel of the Republic of Croatia Armed Forces shall refuse an order requiring him/her to act contrary to the provisions of the Constitution and the rules of international law of war and international humanitarian law."), as well as in the provisions of the Ordinance on Service in the Republic of Croatia Armed Forces (Article 63, paragraph 2: "Military personnel of the Republic of Croatia Armed Forces shall respect international law of war and humanitarian law, and shall provide special protection to the population, medical and religious personnel, the wounded, the sick and prisoners of war, as well as cultural goods

and places of worship."; Article 63, paragraph 3: "Competent officers of commands, units and institutions shall inform their subordinates on the provisions of international treaties concluded and ratified in accordance with the Constitution of the Republic of Croatia, which regulate international law of war.").

- *Has your State established **services** or designated specialist personnel within your armed forces to ensure respect for cultural property?*

YES: NO:

You can complete your answer below, taking into account the guidelines in the model report.

At present, there are not any special services established within the Republic of Croatia Armed Forces whose purpose is to ensure protection of cultural property in the event of an armed conflict.

4. Article 25 - Dissemination of the Convention

Regulations relating to the protection of cultural property in time of armed conflict must be included into the programmes of military and, if possible, civilian training. The objective is to ensure that the principles of the Convention are known by the whole population, especially the armed forces and personnel engaged in the protection of cultural property.

- *Has your State **disseminated the provisions of the Convention** within the armed forces as well as among target groups and the general public?*

YES: NO:

You can complete your answer below, taking into account the guidelines in the model report.

The obligation to comply with the provisions of the Hague Convention and the accompanying protocols, as stated above, is enacted in the basic legislation governing the organization, role and obligations of the Republic of Croatia Armed Forces and its personnel at peacetime and at wartime (Defence Act) and in the basic ordinance (Ordinance on the Service in the Republic of Croatia Armed Forces) which regulates the duties, obligations and rights of the personnel of the Republic of Croatia Armed Forces at peacetime and at wartime.

In accordance with the above, in all basic and advanced forms of military training (training of officers and non-commissioned officers) international law of war (law of armed conflict) or the Hague Convention and protocols are studied. Moreover, all basic and advanced training programs for soldiers include international law of war (law of armed conflict) or the Hague Convention and protocols.

The Republic of Croatia Armed Forces do not currently carry out separate activities (campaigns, etc.) through which they would inform or educate the general public about the provisions of the Hague Convention and the protocols thereof. The Republic of Croatia Armed Forces currently have neither the authority (nor the obligation) obtained from the state authorities of the Republic of Croatia to carry out such activities in relation to the general public.

We also point out that all museum experts, conservators and restorer-curators are mandated to undertake professional training, lectures and exams, which include the topics of international conventions, including the Hague Convention and its two Protocols.

5. Article 26(1) - Official translations

This Article requires that the High Contracting Parties communicate to one another, through the Director-General of the United Nations Educational, Scientific and Cultural Organization, the official translations of the present Convention and of the Regulations for its execution:

Please submit a copy / copies of such translation(s), in electronic format, if possible, to the Secretariat"

Please annex an electronic copy of your translation(s) to this report:

Attach the document

[Convention for the Protection of Cultural Property in the Event of Armed Conflict from 14 May 1954 and with Regulations for the Execution of the Convention 1954 \(nn.hr\)](#)

6. Article 28 - Sanctions

This Article provides for the obligations of the High Contracting Parties to take, within the framework of their ordinary criminal jurisdiction, all necessary steps to prosecute and impose penal or disciplinary sanctions upon those persons, regardless of their nationality, who commit or order a breach of the Convention.

- *Has your State **introduced in your domestic legislation** all necessary steps to prosecute and impose penal or disciplinary sanctions against a conduct contrary to the obligations set out in the Convention?*

YES: NO:

You can complete your answer below, taking into account the guidelines in the model report.

Act on the Preservation and Protection of Cultural Property, Article 116, paragraph 6 stipulates that a fine in the amount of HRK 20,000.00 to 200,000.00 shall be imposed on a legal person which fails to implement cultural property protection measures as ordered by the competent authority in the the event of extraordinary circumstances.

Article 91 paragraph 2 of the Criminal Code (Official Gazette 125/11, 144/12, 56/15, 61/15, 101/17, 118/18 and 126/19) stipulates that whoever, in violation of the rules of international law, in times of war, occupation, international armed conflict or non-international armed conflict commits other serious violations of the laws and customs applicable in international armed conflict or non-international armed conflict, within the established framework of international law, namely, directs attacks against buildings dedicated to religion, education, art, science or charitable purposes, historic monuments and cultural property, hospitals and places where the sick and wounded are collected, provided they are not military objectives shall be punished by imprisonment for not less than three years.

In the context of Article 28 of the Convention for the Protection of Cultural Property in the Event of Armed Conflict of 14 May 1954 which stipulates that the High Contracting Parties undertake to take, within the framework of their ordinary criminal jurisdiction, all necessary

steps to prosecute and impose penal or disciplinary sanctions upon those persons, of whatever nationality, who commit or order to be committed a breach of the present Convention, we highlight that the provision has been implemented into the Croatian Criminal Code as a War Crime offense (Criminal Code Article 91). The criminal offense in question is defined as a blanket norm, since in its legal definition it refers to other regulations, specifically to the rule of international law (Geneva and Hague international law). In order for the offence to be defined as war crime, the offender's conduct must violate international humanitarian law, and additionally the offense must be committed during an armed conflict, war, military occupation and ultimately the offender must act with intent, as a form of guilt. One of the modalities of crime war is defined as directing attacks against buildings dedicated to religion, education, art, science or charitable purposes, historic monuments and cultural property, hospitals and places where the sick and wounded are collected, provided they are not military objectives (The Criminal Code Article 91, paragraph 2, item 9). Legislation prescribes a punishment for not less than three years for the violation of these rules and provisions. However, whoever commits any of the offences set out in paragraph 2 of Article 91 in an especially cruel or treacherous way, out of greed or other base motives, and where circumstances are determined as qualifying, shall be punished by imprisonment of no less than five years or long-term imprisonment.

War Crime Article 91

(1) Whoever, in violation of the rules of international law, in times of war, occupation, international armed conflict or non-international armed conflict commits any of the following grave breaches against persons or property protected under the Geneva Conventions of 12 August 1949

1. killing,
2. torture or inhuman treatment, including biological experiments;
3. causing great suffering or serious injury to body or health;
4. unlawful deportation or transfer or unlawful confinement of a protected person;
5. compelling a prisoner of war or other protected person to serve in the forces of a hostile power;
6. wilfully depriving a prisoner of war or other protected person of the rights of fair and regular trial;
7. taking of hostages; or
8. extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly shall be punished by imprisonment for not less than five years or to long-term imprisonment.

(2) Whoever, in violation of the rules of international law, in times of war, occupation, international armed conflict or non-international armed conflict commits other serious violations of the laws and customs applicable in international armed conflict or non-international armed conflict, within the established framework of international law, namely, any of the following acts:

1. directing attacks against the civilian population as such or against individual civilians not taking direct part in hostilities;
2. directing attacks against civilian objects, that is, objects which are not military objectives;
3. directing attacks against persons, installations, material, units or vehicles involved in a humanitarian assistance or peacekeeping mission in accordance with the Charter of the United

Nations, as long as they are entitled to the protection given to civilians or civilian objects under the international law of armed conflict;

4. launching an attack in the knowledge that such attack will cause incidental loss of life or injury to civilians or damage to civilian objects or widespread, long-term and severe

damage to the natural environment which would be clearly excessive in relation to the concrete and direct overall military advantage anticipated;

5. attacking or bombarding, by whatever means, towns, villages, settlements or buildings which are undefended and which are not military objectives;
6. killing or wounding a combatant who, having laid down his arms or having no longer means of defence, has surrendered at discretion;
7. making improper use of a flag of truce, of the flag or of the military insignia and uniform of the enemy or of the United Nations, as well as of the distinctive emblems of the Geneva Conventions, resulting in death or serious personal injury;
8. the transfer, directly or indirectly, by the occupying power of parts of its own civilian population into the territory it occupies, or the deportation or transfer of all or parts of the population of the occupied territory within or outside this territory;
9. directing attacks against buildings dedicated to religion, education, art, science or charitable purposes, historic monuments and cultural property, hospitals and places where the sick and wounded are collected, provided they are not military objectives;
10. subjecting persons who are in the power of an adverse party to physical mutilation, the taking of tissues or organs for transplantation or to medical or scientific experiments of any kind which are neither justified by the medical, dental or hospital treatment of the person concerned nor are carried out in his or her interest, and which cause death to or seriously endanger the health of such person or persons;
11. killing or wounding treacherously individuals belonging to the hostile nation or army;
12. declaring that no quarter will be given;
13. destroying or seizing the enemy's property unless such destruction or seizure be imperatively demanded by the necessities of war;
14. declaring prohibited, suspended or inadmissible in a court of law the rights and actions of the nationals of the hostile party;
15. compelling the nationals of the hostile party to take part in the operations of war directed against their own country, even if they were in the belligerent's service before the commencement of the war;
16. pillaging a town or place;
17. employing poison or poisoned weapons;
18. employing poisonous, asphyxiating or other gases, and all analogous liquids, materials or devices;
19. employing bullets which expand or flatten easily in the human body;
20. employing weapons, projectiles and material and other methods of warfare which are of a nature to cause superfluous injury or unnecessary suffering or which, in violation of the international law of armed conflict, are incapable of distinguishing between military targets and civilian objects, provided that such weapons, projectiles, material or methods of warfare are the subject of a comprehensive prohibition;
21. committing outrages upon personal dignity, in particular humiliating and degrading treatment, collective punishment;
22. committing rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilisation, or any other form of sexual violence also constituting a grave breach of the Geneva Conventions;
23. utilising the presence of civilians or other protected persons to render certain points, areas or military forces immune from military operations;
24. directing attacks against buildings, material, medical units and transport, and personnel using the distinctive emblems of the Geneva Conventions in conformity with international law;
25. intentionally using starvation of civilians as a method of warfare by depriving them of objects indispensable to their survival, including impeding relief supplies as provided for under the Geneva Conventions;
26. conscripting or enlisting children into the national armed forces or armed groups distinct from the national armed forces or using them to participate actively in hostilities;

or

27. displacing the civilian population for reasons connected with the conflict, unless their security or imperative military reasons so demand

shall be punished by imprisonment for not less than three years

(3) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on whoever commits any of the offences set out in paragraph 2 of this Article against a large number of persons or in an especially cruel or treacherous way, out of greed or other base motives.

(4) Whoever orders the commission of an offence set out in paragraphs 1, 2 or 3 of this Article shall be punished as if he himself or she herself has committed it.

II. Resolution II of the 1954 Conference

- *Has your State established a **National Advisory Committee** in accordance with the wish expressed by the Intergovernmental Conference (1954) in [Resolution II](#)?*

YES: NO:

You can complete your answer below, taking into account the guidelines in the model report.

In 2017, the Minister of culture appointed the Croatian Committee for the Protection of Cultural Property and the Implementation of the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict of 1954 and its two Protocols. Experts from the following competent authorities were appointed as members: Ministry of Justice, Ministry of Defence, Faculty of Law at the University of Zagreb, Ministry of the Interior, National Protection and Rescue Directorate, Museum Documentation Center and Ministry of Culture. The work of the Committee is coordinated by the Directorate for the Protection of Cultural Heritage at the Ministry of Culture.

- *In the event that you have established a National Advisory Committee, has it been incorporated into a national commission for the implementation of international humanitarian law?*

YES: NO:

You can complete your answer below, taking into account the guidelines in the model report.

III. 1954 (First) Protocol

[To be completed only by the High Contracting Parties to the 1954 Protocol]

The main purpose of the 1954 Protocol is the protection of cultural property in **or stemming from** occupied territory.

- *Has your State undertaken **measures to implement** these international obligations, including the adoption of relevant legislation?*

YES: NO:

You can complete your answer below, taking into account the guidelines in the model report.

The Act on the Preservation and Protection of Cultural Property, Article 70, stipulates that that cultural property may be imported and transferred into the Republic of Croatia in compliance with the laws or other regulations of the country from which they are imported or transferred, or the country in whose territory they were created or discovered.

The Act on the Preservation and Protection of Cultural Property has transposed the Directive 2014/60/EU of the European Parliament and of the Council of 15 May 2014 on the return of cultural objects unlawfully removed from the territory of a Member State and amending Regulation (EU) No 1024/2012 amending Regulation (EU) no.1024/2012 (recast) (OJ L 159, 28.5.2014) as amended by Corrigendum to Directive 2014/60 EU of the European Parliament and of the Council of 15 May 2014 on the return of cultural objects unlawfully removed from the territory of a Member State and of amending Regulation (EU) no. 1024/2012 (OJ L 147, 12.6.2015).

Cultural property defined by the Regulation (EU) 2019/880 may be imported into the Republic of Croatia outside the customs territory of the European Union on the basis of an import license issued by a competent authority or a declaration by the importer in accordance with the Regulation (EU) 2019/880.

Article 70b of the Act on the Preservation and Protection of Cultural Property sets forth that a Member State of the European Union that has requested the return of an unlawfully removed cultural property may initiate proceedings against an independent holder or, if that is not possible, against a non-independent holder, with the aim of securing the return of cultural property that had been unlawfully removed from its territory.

Where the return of the property had been ordered, the competent court in the Republic of Croatia shall award the independent holder fair compensation in accordance with the circumstances of the case, provided that the independent holder proves that he acted with due care in acquiring the object, as defined by Article 70d of the Act.

The Criminal Code, Article 319 stipulates that whoever damages or destroys an item of cultural property shall be punished by imprisonment not exceeding three years. The same punishment shall be inflicted on whoever, without the competent authority's permission, permanently exports or transfers from the Republic of Croatia an item of cultural property or fails to return it to the Republic of Croatia within the time limit specified in the permission. If as a result of the criminal offence referred to above considerable damage occurs or the cultural property in question is of national significance, the offender shall be punished by imprisonment from six months to five years. The attempt of such criminal offence shall be punishable.

IV. The 1999 Second Protocol

[To be filled in only by the Parties to the 1999 Second Protocol]

The 1999 Second Protocol supplements the 1954 Hague Convention in many respects. In case the information has already been presented in the context of questions relating to the 1954 Hague Convention, you can directly refer to it.

1. Article 5 - Safeguarding of cultural property

Article 5 of the Second Protocol supplements Article 3 of the Hague Convention by providing concrete examples of preparatory measures to be undertaken in time of peace, such as the preparation of inventories of cultural property or the designation of competent authorities responsible for the safeguarding of cultural property.

- *Has your State undertaken such measures?*

YES: NO:

You can complete your answer below, taking into account the guidelines in the model report.

Article 5 of the Second Protocol (1999) to the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict is amended by Article 3 of the Hague Convention in terms of preparatory measures taken by owners of cultural property in time of peace in cooperation with the competent authority for the safeguarding of cultural property that may be enacted by the Minister of Culture at times of extraordinary circumstances, and adopting cultural property management plan.

Article 14 of the Act on the Preservation and Protection of Cultural property stipulates that The Register of Cultural Property of the Republic of Croatia is a public record of cultural property kept by the Ministry of Culture. It comprises three lists: The List of Cultural Goods, the List of Cultural Goods of the National Significance and the List of the Cultural Goods under the Preventive Protection.

2. Article 9 - Protection of cultural property in occupied territory

Article 9 of the Second Protocol complements Article 5 of the 1954 Hague Convention by imposing specific obligations on the occupying power. Paragraph 119 of the Guidelines for the Implementation of the 1999 Second Protocol requires Parties that are occupying powers to provide information in their national reports on how the provisions relating to the protection of cultural property in occupied territory are being respected.

- *Do you ensure compliance with the provisions relating to the **protection of cultural property in the context of military occupation**?*

YES: NO: Not applicable:

You can complete your answer below, taking into account the guidelines in the model report.

The provisions the basic legislation governing the organization, role and obligations of the Republic of Croatia Armed Forces and its personnel at and at wartime (Defence Act) and in the basic ordinance (Ordinance on the Service in the Republic of Croatia Armed Forces) which regulates the duties, obligations and rights of the personnel of the Republic of Croatia

Armed Forces at peacetime and at wartime, as well as other laws and delegated legislation of the Republic of Croatia do not explicitly regulate anything related to military occupation.

3. Article 10 - Enhanced protection

The 1999 Second Protocol establishes an enhanced protection regime. Enhanced protection is granted by the Committee for the Protection of Cultural Property in the Event of Armed conflict (composed of 12 Parties).

- Do you **intend to request the granting** of enhanced protection for cultural property within the next four years or, if appropriate, to submit a **national tentative list** under Article 11 (1) of the 1999 Second Protocol?

YES: NO:

You can complete your answer below, taking into account the guidelines in the model report.

MONITORING OF CULTURAL PROPERTY UNDER ENHANCED PROTECTION

[If some cultural property in your State benefits from enhanced protection, please also fill in this part of the questionnaire].

The benefit of enhanced protection implies the continued fulfilment of the conditions provided for in Article 10 of the 1999 Second Protocol.

- Is a **specific mechanism for monitoring cultural property under enhanced protection** in place? For example, are the measures undertaken to ensure the highest level of protection periodically reviewed to ensure their full adequacy in all circumstances?

YES: NO:

You can complete your answer below, taking into account the guidelines in the model report.

Pursuant to paragraph 94 of the Guidelines, a distinctive emblem is created for the exclusive marking of cultural property under enhanced protection.

- Has your State **marked with the distinctive emblem** cultural property under enhanced protection?

YES: NO:

You can complete your answer below, taking into account the guidelines in the model report.

4. Article 15 - Serious violations of the 1999 Second Protocol

“Article 15 obliges Parties to **establish as criminal** offences in their domestic law offences constituting serious breaches of the Second Protocol, **and to make such offences punishable by** appropriate penalties”.

- *Has your State implemented this obligation?* If yes, what measures have been undertaken?

YES: NO:

You can complete your answer below, taking into account the guidelines in the model report.

Article 91, paragraph 2, item 9 of the Criminal Code stipulates that whoever, in violation of the rules of international law, in times of war, occupation, international armed conflict or non-international armed conflict commits other serious violations of the laws and customs applicable in international armed conflict or non-international armed conflict, within the established framework of international law, directs attacks against buildings dedicated to religion, education, art, science or charitable purposes, historic monuments and cultural property, hospitals and places where the sick and wounded are collected, provided they are not military objectives; shall be punished by imprisonment for not less than three years.

5. Article 16 - Jurisdiction

Pursuant to Article 16 of the Second Protocol, the Parties shall take the necessary legislative measures to establish their jurisdiction over offences set forth in Article 15 of the 1999 Second Protocol in certain cases.

- *Has your State implemented this obligation?* If yes, what measures have been undertaken **to grant jurisdiction to your courts** over serious offences under the 1999 Second Protocol?

YES: NO:

You can complete your answer below, taking into account the guidelines in the model report.

In the context of Article 16 of the Second to the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict 1999 (jurisdiction, i.e., the application of criminal code in the territory) we highlight the following:

- a) The territorial principle consists in the application of the criminal legislation of the Republic of Croatia to anyone who commits a criminal offense in its territory. In this case, only the territory where of the criminal offense is committed is relevant, while it is whether the offender is a Croatian or foreign national or a stateless person. The application of this principle does not require the identity of the norm, i.e., it does not require that the offender's conduct is punishable under the law of the offender's country of origin.
- b) The principle of active personality consists in the application of criminal jurisdiction of the Republic of Croatia to criminal offenses over the conduct of its national abroad, as well as over the conduct of persons with residence in the Republic of Croatia. The identity of the norm and the presence of the defendant in the territory of the Republic of Croatia constitute the conditions for the application of this principle. However, the principle is of a subsidiary nature, which implies that the criminal legislation of the Republic of Croatia will be applied only if sufficient criminal protection has not already been provided abroad.

- b) According to the passive personality principle, the criminal legislation of the Republic of Croatia shall also apply to criminal offenses committed against a national of the Republic of Croatia outside its territory. The identity of the norm and the presence of the defendant in the territory of the Republic of Croatia constitute the conditions for the application of this principle. This principle, like the principle of active personality, is of subsidiary nature. In addition, the universality principle in the narrower sense or the principle of universal jurisdiction consist in the application of criminal law for criminal offenses against values protected by international law, including the criminal offense of war crimes, committed outside the Republic of Croatia. The assumption for the application of this principle is the offender's presence in the territory of the Republic of Croatia

Criminal Offences Committed in the Territory of the Republic of Croatia
Article 10

The criminal legislation of the Republic of Croatia shall apply to anyone who commits a criminal offence in its territory.

Criminal Offences Committed Outside the Territory of the Republic of Croatia by its Nationals
Article 14

- (1) The criminal legislation of the Republic of Croatia shall be applied to its national or a person who has his or her permanent residence in its territory who outside the territory of the Republic of Croatia commits a criminal offence other than those specified in the provisions of Articles 13 and 16 of this Code, if the act is a criminal offence at the locality of its commission.
- (2) The provision of paragraph 1 of this Article shall also apply to cases where the perpetrator acquires Croatian nationality after having committed the criminal offence.
- (3) In cases referred to in paragraphs 1 and 2 of this Article, with respect to criminal offences established in Article 115, paragraphs 3 and 4, and Articles 116, 153, 154, 158, 161, 162, 163, 164, 166 and 169 of this Code and other criminal offences for which this is provided by international treaties to which the Republic of Croatia is a party, the criminal legislation of the Republic of Croatia shall apply even if the act is not a criminal offence at the locality of its commission.
- (4) Where a Croatian national participates in peacekeeping operations or other international activities outside of the territory of the Republic of Croatia and commits in such operations or activities a criminal offence, the application of the legislation of the Republic of Croatia shall be governed by the provisions of this Code, unless otherwise provided by an international treaty to which the Republic of Croatia is a party.

6. Article 21 - Measures regarding other violations

The 1999 Second Protocol obliges Parties to adopt legislative, administrative or disciplinary measures as may be necessary to **suppress certain other violations of the Second Protocol**:

- a. any use of cultural property in violation of the 1954 Hague Convention or the 1999 Second Protocol;

b. any illicit export, other removal or transfer of ownership of cultural property from occupied territory in violation of the 1954 Hague Convention or the 1999 Second Protocol.

- *Has your State implemented such measures?*

YES: NO:

You can complete your answer below, taking into account the guidelines in the model report.

7. Article 30 - Dissemination

Article 30 of the Second Protocol complements Articles 7 and 25 of the 1954 Hague Convention. In this regard, Article 30 it asks the Parties, to endeavour by appropriate means, and in particular by educational and information programmes, to strengthen appreciation and respect for cultural property by their entire population, to ensure the dissemination of the 1999 Second Protocol, and to incorporate in their military regulations' guidelines and instructions for the protection of cultural property.

- *Has your State **disseminated the provisions of the Convention and the Second Protocol** within the armed forces as well as to target groups and the general public?*

YES: NO:

You can complete your answer below, taking into account the guidelines in the model report.

The obligation to comply with the provisions of the Hague Convention and the accompanying protocols, as stated earlier, is enacted in the basic legislation governing the organization, role and obligations of the Republic of Croatia Armed Forces and its personnel at and at wartime (Defence Act) and in the basic ordinance (Ordinance on the Service in the Republic of Croatia Armed Forces) which regulates the duties, obligations and rights of the personnel of the Republic of Croatia Armed Forces at peacetime and at wartime.

In accordance with the above, in all basic and advanced forms of military training (training of officers and non-commissioned officers) international law of war (law of armed conflict) or the Hague Convention is studied, as well as the Second Protocol (1999). Moreover, all basic and advanced training programs for soldiers include international law of war (law of armed conflict) or the Hague Convention, as well as the Second Protocol (1999).

The Republic of Croatia Armed Forces do not currently carry out separate activities (campaigns, etc.) through which they would inform or educate the general public about the provisions of the Hague Convention, and thus do not carry out activities related to the Second Protocol (1999). The Republic of Croatia Armed Forces currently have neither the authority (nor the obligation) obtained from the state authorities of the Republic of Croatia to carry out such activities in relation to the general public.

Experts working on cultural heritage and cultural property as well as in museums, archives and libraries are acquainted with the Hague Convention and its Protocols, as part of the previously outlined procedure for professional exams and rules for obtaining professional titles, for which the Convention is part of set exam literature.

8. Article 33 – Assistance of UNESCO

Pursuant to paragraph 151 of the Guidelines for the Implementation of the 1999 Second Protocol, the Parties having activities at bilateral or multilateral level are invited to inform the Committee, in their periodic reports, of their activities in order to share their experiences or good practices.

- *Has your State shared, in particular through the Secretariat of UNESCO, your experiences and good practices in implementation of the 1954 Hague Convention and / or its Protocols?*

YES: NO:

You can complete your answer below, taking into account the guidelines in the model report.

9. Article 37 - Official translation of the 1999 Second Protocol to the 1954 Hague Convention

Pursuant to Article 37 of the Second Protocol, the Parties shall translate the 1999 Second Protocol into their official language(s) of their countries and shall communicate these official translations to the Director-General.

Please submit a copy / copies of such translation(s), in electronic format, if possible, to the Secretariat.

Please annex an *electronic copy of your translation(s) to this report.*

Act on the Ratification of the Second Protocol to the Convention on the Protection of Cultural Goods in the Event of Armed Conflict

V. Other questions relating to the 1954 Hague Convention and its two Protocols

1. Ratification of / accession to other international treaties having provisions of the protection of cultural property

- Can you indicate the other international instruments to which your State is a party?

International instruments	Ratification/Accession
1970 UNESCO Convention on the means on Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property	
1972 UNESCO Convention on the Protection of the World, Cultural and Natural Heritage	
2001 UNESCO Convention on the Protection of the Underwater Cultural Heritage	
2003 UNESCO Convention for the Safeguarding of Intangible Cultural Heritage	
2005 UNESCO Convention for the Protection and Promotion of Diversity of Cultural Expressions
Additional Protocol (I) to the Geneva Conventions, 1977
Additional Protocol (II) to the Geneva Conventions, 1977
Additional Protocol (III) to the Geneva Conventions, 2005

2. National practice relating to the implementation of the Hague Convention and its two Protocols

The Secretariat would be grateful if you could annex a copy of the following documents in French and/or English:

- Relevant **civil and military administrative regulations**:

PDF Document

Website

- **National laws** relating to the protection of cultural property, as well as criminal provisions adopted in the context of the implementation of Article 28 of the Hague Convention and Articles 15, 16 and 21 of the Second Protocol, and case law relating to the protection of cultural property.

PDF Document

Website [Ministry of Culture and Media of the Republic of Croatia - Preservation and Protection of Cultural Heritage \(gov.hr\)](http://www.minculture.hr)

- Documents relating to awareness-raising activities (seminar programme, brochures, etc.), as well as any other document (legislative, judicial or administrative) relevant to the dissemination of the 1954 Hague Convention and its 1999 Second Protocol.

PDF Document

Website

3. Effectiveness of cooperation mechanisms at the national level

- The implementation of the Hague Convention and its two Protocols requires cooperation at the national level between the various authorities (civil, military, etc.). Can you assess the degree of cooperation, at the national level, in your State?

- | | |
|---|-------------------------------------|
| There is no cooperation between the different authorities | <input type="checkbox"/> |
| There is limited cooperation between the different authorities | <input type="checkbox"/> |
| There is cooperation between the various authorities, but there are still improvements to be made | <input checked="" type="checkbox"/> |
| There is a perfectly functional cooperation between the different authorities | <input type="checkbox"/> |
| Other (specify) | |

VI. Self-assessment forms

In order to reflect in the synthesis document of the national reports the status of implementation of the 1954 Hague Convention and its 1999 Second Protocol in key areas, please fill in the two tables below.

1. Assessment of the degree of implementation

[To do this, please use the following rating scale]

1. Not at all implemented;
2. Partially implemented and the process is at standstill;
3. Partially implemented, the process following its course; and
4. Fully implemented.

Implementation of the safeguarding obligation through the adoption of preparatory measures	4
Military training on regulations for the protection of cultural property	4
Use of the distinctive emblem to mark cultural property	1
Implementation of the obligation to disseminate, through the implementation of awareness-raising activities for target audiences	3
Adoption of relevant criminal legislation	4
<i>For Parties with cultural property under enhanced protection only.</i>
Establishment of a monitoring system for cultural property under enhanced protection at the national level	

2. Assessment of the difficulties encountered

[To do this, please use the following rating scale]

1. Difficulties are encountered, but there are no plans to seek technical assistance from the UNESCO Secretariat;
2. Difficulties are encountered, nevertheless, it is planned to make use of the technical assistance of the UNESCO Secretariat;
3. Difficulties were encountered, but thanks to the technical assistance of the Secretariat they could be resolved;
4. Difficulties were encountered at first, but they turned into challenges that were overcome; and
5. No difficulties were encountered.

Implementation of the safeguarding obligation through the adoption of preparatory measures	4
Military training on regulations for the protection of cultural property	4
Use of the distinctive emblem to mark cultural property	5
Implementation of the obligation to disseminate, through the implementation of awareness-raising activities for target audiences	4
Adoption of relevant criminal legislation	5
<i>For Parties with cultural property under enhanced protection only.</i>
Establishment of a monitoring system for cultural property under enhanced protection at the national level	

VII. Enhanced protection mechanism – Opinion survey

Pursuant to Chapter 3 of the 1999 Second Protocol, enhanced protection is granted by the Committee for the Protection of Cultural Property in the Event of Armed Conflict if three criteria are cumulatively met:

- ✓ Cultural property is of the greatest importance to humanity;
- ✓ Cultural property is protected by adequate domestic, legal and administrative measures recognising its exceptional cultural and historical value and ensuring the highest level of protection; and
- ✓ Cultural property must not be used for military purposes or to shield military sites. And the Party which has control over the cultural property has to make a declaration confirming that it will not be used for military purposes or to shield military sites.

As these conditions are set out in an international treaty, their interpretation cannot be made independently of State practice, which is of fundamental importance under international treaty law. Therefore, this national report is an opportunity for the national authorities of the Parties to express their views on the conditions under which enhanced protection is granted.

For each of the conditions set out in Article 10 of the Second Protocol, please answer the following questions, taking into consideration the relevant paragraphs of the Guidelines for the Implementation of the Second Protocol.

- Article 10, paragraph (a) - "The greatest importance for humanity"

Please list the main factors to be undertaken into consideration in determining whether a cultural property is of the greatest importance for humanity?

There is a need to redefine the phrase 'greatest importance to humanity'. African countries should be allowed to define the importance of their own cultural property.

- Article 10, paragraph (b) - "The highest level of protection"

Please mention the national authorities to be consulted in determining the choice of measures to be adopted to ensure the highest level of protection for a cultural property for which enhanced protection is requested. What measures can ensure the highest level of protection?

It is covered.

- Article 10, paragraph (c) - "Not-used for military purposes"

Please mention the national authorities to be consulted in order to take the decision not to use the proposed cultural property for granting enhanced protection for military purposes or to shield military sites?

This is the ideal, but it is questionable whether this is applicable on the ground.