

Relevant national provisions in the original language as well as in English translation:

Criminal Code of the Republic of Croatia passed by Croatian Parliament at its session on September 19, 1997, entered into force on January 1, 1998

Agresivni rat

Članak 157.

(1) Tko, bez obzira na to je li prethodno objavljen rat ili ne, poduzme agresivni rat zapovijedi djelovanje oružanih snaga jedne države protiv suvereniteta, teritorijalne cjelovitosti ili političke neovisnosti druge države, pa se to djelovanje počini invazijom ili oružanim napadom na njezino područje, zrakoplove ili brodove, ili blokiranjem luka ili obala, ili vojnom okupacijom njezinog područja ili na drugi način kojim se izražava nasilno uspostavljanje vlasti nad tom državom,

kaznit će se kaznom zatvora najmanje deset godina ili kaznom dugotrajnog zatvora.

(2) Kaznom iz stavka 1. ovoga članka kaznit će se tko radi provođenja agresivnog rata od strane jedne države prema drugoj državi zapovijedi ili omogućiti slanje naoružanih grupa plaćenika ili drugih paravojnih oružanih snaga u tu državu, da bi te snage ostvarile ciljeve agresivnog rata.

(3) Kaznom iz stavka 1. ovoga članka kaznit će se tko postupi po naredbi o djelovanju oružanih snaga ili paravojnih oružanih snaga radi vođenja agresivnog rata.

(4) Tko poziva ili potiče na agresivni rat,

kaznit će se kaznom zatvora od jedne do deset godina.

“War of aggression”

Article 157(1)

- (1) Whoever, regardless of whether a war has previously been declared or not, wages a war of aggression by commanding an armed action of one state against the sovereignty, territorial integrity or political independence of another state, so that such an action is performed by invasion or by an armed attack on its territory, aircraft or ships, or by the blockading of ports or shores or by the military occupation of the territory, or in some other way which denotes the forcible establishment of rule over such a state, shall be punished by imprisonment for not less than ten years or by long-term imprisonment.
- (2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on whoever, for the purpose of waging a war of aggression of one state against another, commands or enables the sending of armed mercenary groups or other paramilitary armed forces into a state, so that these forces achieve the aims of a war of aggression.
- (3) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on whoever acts according to a command for action from armed forces or para-military armed forces for the purpose of waging a war of aggression.
- (4) Whoever calls or instigates a war of aggression shall be punished by imprisonment for one to ten years.

Criminal Code passed by Croatian Parliament at its session on 21 October 2011.

Zločin agresije

Članak 89.

(1) Tko imajući stvarnu moć nadzirati ili upravljati političkim ili vojnim djelovanjem države, upotrijebi oružane snage jedne države protiv suvereniteta, teritorijalne cjelovitosti ili političke neovisnosti druge države ili na bilo koji drugi način protivan Povelji Ujedinjenih naroda ostvari čin agresije koji po svojim karakteristikama, težini i razmjeru predstavlja kršenje Povelje Ujedinjenih naroda,

kaznit će se kaznom zatvora najmanje pet godina ili kaznom dugotrajnog zatvora.

(2) Tko sudjeluje u djelovanju oružanih snaga iz stavka 1. ovoga članka,

kaznit će se kaznom zatvora od tri do petnaest godina.

(3) Tko izravno i javno potiče na zločin agresije,

kaznit će se kaznom zatvora od jedne do deset godina.

(4) Činom agresije iz stavka 1. ovoga članka, bez obzira na to je li prethodno objavljen rat ili ne, smatra se:

1. invazija ili napad oružanih snaga jedne države na područje druge države, ili vojna okupacija, makar i privremena koja je posljedica takve invazije ili napada, ili pripajanje cijelog ili dijela područja druge države uz primjenu sile,
2. bombardiranje od strane oružanih snaga jedne države područja druge države ili korištenje bilo kakvog oružja jedne države na području druge države,
3. blokiranje luka ili obala jedne države oružanim snagama druge države,
4. napad oružanih snaga jedne države na zemlju, more, zračne snage, pomorsku i zračnu flotu druge države,
5. korištenje oružanih snaga jedne države, koje su na području druge države uz njezinu suglasnost, u suprotnosti s uvjetima predviđenim njihovim sporazumom ili produljenje prisutnosti vojnih snaga na području druge države po prestanku sporazuma,
6. davanje dozvole da područje koje je država stavila na raspolaganje drugoj državi ova koristi za agresiju protiv treće države, ili

7. slanje od strane ili u ime države naoružanih bandi, grupa, paravojnih snaga ili plaćenika koji izvode oružane akcije protiv druge države koje po svojoj težini odgovaraju prethodno navedenim radnjama ili njezinom značajnom sudjelovanju u takvim akcijama.

Crime of Aggression

Article 89

(1) Whoever, being in a position effectively to exercise control over or to direct the political or military action of a state, uses the armed forces of one state against the sovereignty, territorial integrity or political independence of another state, or in any other manner inconsistent with the Charter of the United Nations executes an act of aggression which, by its character, gravity and scale, constitutes a violation of the Charter of the United Nations shall be sentenced to imprisonment for a term of at least five years or to long-term imprisonment.

(2) Whoever takes part in the operations of the armed forces referred to in paragraph 1 of this Article

shall be sentenced to imprisonment for a term of between three to fifteen years.

(3) Whoever directly and publicly incites to the crime of aggression

shall be sentenced to imprisonment for a term of between one and ten years.

(4) Any of the following acts, regardless of a declaration of war, shall qualify as an act of aggression referred to in paragraph 1 of this Article:

1. The invasion or attack by the armed forces of a state on the territory of another state, or any military occupation, however temporary, resulting from such invasion or attack, or any annexation by the use of force of the territory of another state or part thereof;

2. bombardment by the armed forces of a state against the territory of another state or the use of any weapons by a state against the territory of another state;

3. the blockade of the ports or coasts of a state by the armed forces of another state;

4. an attack by the armed forces of a state on the land, sea or air forces, or marine and air fleets of another state;

5. the use of armed forces of one state which are within the territory of another state with the agreement of the receiving state, in contravention of the conditions provided for in the agreement or any extension of their presence in such territory beyond the termination of the agreement;

6. the action of a state in allowing its territory, which it has placed at the disposal of another state, to be used by that other state for perpetrating an act of aggression against a third state; or

7. the sending by or on behalf of a state of armed bands, groups, irregulars or mercenaries, which carry out acts of armed force against another state of such gravity as to amount to the acts listed above, or its substantial involvement therein.