

RECENT CHANGES IN THE DEVELOPMENT OF THE STATUTE OF
LIMITATIONS IN CROATIA – IN THE WAKE OF
POLITICAL INSTRUMENTALIZATION OR FOR ACHIEVING JUSTICE?

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Summary: Recent legal and political developments in the Republic of Croatia indicate an interesting trend - an effort to solve the problem of some long-neglected criminal offences, primarily economic ones, and numerous oversights in prosecution in general by extending the statute of limitation, or even by abolishing it. Sometimes, indeed, changes in the duration of the statute of limitation, i.e. its extension or abolishment, seem to be the only possible response to the crimes that were "swept under the carpet" for many years. However, it is not always possible to avoid the impression that the statute of limitations is occasionally instrumentalized in order to gain political points. Obviously, in most countries criminal policy is just one of the policies that legitimately aim at gaining public support, but what worries is the desire to solve accumulated problems by encroaching on the principle of non-retroactivity as one of the key postulates of the principle of legality, legal certainty and the rule of law. In this paper, the authors will analyze the recent changes in the duration of the statute of limitations and their justifications, starting with the new Penal Code and then moving to the Constitutional amendments from 2010. The later refer to non-prescription of crimes of war profiteering and crimes from the process of ownership transformation and privatization. The authors will also analyze the latest draft proposal of Constitutional amendment seeking to abolish the statute of limitations for political murders, which has been extensively discussed in Croatia over the last few months.