

# The Fight against Organised Crime in Serbia and International Police Cooperation

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This report outlines the legislative framework and institutional mechanisms in the fight against organised crime, as well as international police cooperation between the Republic of Serbia and its foreign partners. The legislative framework includes key international and national sources, particularly the Palermo Convention against Organized Crime, the Law on the Organisation and Competencies of State Bodies in the Fight against Organised Crime, Terrorism and Corruption, the Criminal Procedure Code, the Criminal Code and the Law on Confiscation of Property Acquired through Crime, among others. Institutional mechanisms crucial for combatting organised crime encompass various forms of police and intelligence operations alongside various authorities, organisations and agencies. In the final section, the report offers several proposals for enhancing the legislative framework and the operational practices of police and law enforcement agencies. Given Serbia's application for EU membership, the importance of aligning national laws with EU regulations in the fight against organised crime and other serious criminal activities is particularly emphasised.

**Keywords:** organised crime, legislative framework, institutional mechanisms, international cooperation, Serbia and the EU

## Introduction

After the fall of the Berlin Wall at the end of the 20<sup>th</sup> century, social reforms were initiated in the countries of the Socialist Bloc along with the process of their economic transition. The former Yugoslavia also entered the process of transformation, which was not peaceful at all. It caused armed conflict, massive destruction, displacement and significant loss of human lives. When the armed conflicts ceased and peace was established, the newly

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formed states faced numerous problems that could not be adequately solved due to the lack of the rule of law and inappropriate mechanisms.

A particular problem for the successor countries of the former Yugoslavia and the Republic of Serbia was the eruption of crime, primarily organised crime and other severe forms of crime. Organised crime has a highly pronounced transnational dimension because profits and organised criminal groups do not recognise physical barriers and national borders. Illegal production and trafficking of drugs are a top priority issue for Serbia, the Balkan countries, developed EU states and the USA.

The fight against organised crime and other severe forms of crime in the Republic of Serbia gained importance after the withdrawal of Serbian forces from the territory of the Autonomous Province of Kosovo and Metohija and the establishment of UN jurisdiction,<sup>4</sup> especially after the assassination of Prime Minister Zoran Đinđić in 2003. These events have significantly complicated the already extremely slow process of transition and social reforms, which has further facilitated the development of organised crime and the linking of organised criminal groups throughout the region. A wide space has been created for the almost unhindered operation of transnational organised criminal groups, with the achievement of extra profit and minimal risks of detection. The problem particularly escalated when operational information revealed that numerous terrorist organisations were funded from the proceeds of organised crime.

The social response to the challenges, risks and threats of organised crime, as well as other serious forms of criminal activity, was achieved at both the domestic and international levels, and it encompassed legislative and law enforcement measures and actions. After the assassination attempt on the Prime Minister, Serbia enacted the Law on the Organisation and Competence of State Authorities in Combating Organised Crime, Terrorism and Corruption. The mentioned law largely relies on solutions adopted by the international community within the framework of the Palermo Convention against organised crime. In addition, at the national level, a multi-agency approach has been developed in the fight against organised crime, terrorism and corruption. On the international level, Serbia has reaffirmed its international cooperation at the multilateral (e.g. Interpol), regional (e.g. Europol, SELEC) and bilateral (e.g. USA, Germany, France, Israel, Hungary) levels. As an example, we cite the good cooperation with the Hungarian Police in criminal matters, through the police attaché in Serbia (Lt.Col.T.B).

The purpose of cooperation lies in the joint fight against organised crime, the prosecution of suspects and the confiscation of assets acquired through criminal activity. This further contributes to strengthening the rule of law and other standards in each country and preserving the heritage of human civilisation and the values of the modern world.

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<sup>4</sup> STEVANOVIĆ 2016: 11–56.

## The legislative framework for combating organised crime and international police cooperation

The legal sources for combating organised crime and international police cooperation consist of national and international legal norms, which are applied in accordance with the Constitution of the Republic of Serbia (2006, Article 194, para. 4), which states that ratified international agreements and generally accepted rules of international law become an integral part of the national legal system.

### *International dimension*

International legal sources include well-known general norms of international law and individual acts such as resolutions, declarations, conventions, memoranda and agreements.<sup>5</sup>

*At the multilateral level*, undoubtedly the most important international legal sources for combating organised crime, police and criminal cooperation are the documents accepted by the Republic of Serbia (former Yugoslavia), such as the *Constitution of the International Criminal Police Organization* (Interpol) (1956) and other acts, the United Nations *Convention against Transnational Organized Crime* ("Palermo Convention", 2000), international conventions against terrorism, etc.<sup>6</sup> a particularly significant part pertains to Serbia's membership in Interpol<sup>7</sup> and cooperation with other member states.

*At the regional level*, the most significant legislation is the *Convention on International Police Cooperation in the SEE* ("Vienna Convention", 2007) and the *SELEC Convention* (2011), which Serbia (former Yugoslavia) has accepted.<sup>8</sup> Additionally, Serbia has joined and accepted important regional initiatives and mechanisms such as the Stability Pact for SEE (SPSEE), the Regional Cooperation Council (RCC) and the Process of Cooperation in SEE Countries (CPSEE).<sup>9</sup>

The agreements on cooperation with Europol are crucial because the Republic of Serbia is applying for EU membership, whose specialised agency is Europol. First, Serbia concluded a Strategic Cooperation Agreement with Europol (2008), which provides for the exchange of information, harmonisation of definitions of crime manifest forms, and identifies authorised bodies for combating serious crimes including the Ministry of Internal Affairs of the Republic of Serbia – Police Directorate, Criminal Police Department; the Ministry of Finance – Customs Administration, Tax Administration and Anti-Money Laundering Administration; Security Intelligence Agency (BIA) (Law on the Ratification of the Agreement on Strategic Cooperation).<sup>10</sup> However, it did not allow the exchange of "hard data" (personal data) between the parties. Based on this framework, the Agreement on Operational Cooperation (2014) between Serbia and Europol was subsequently

<sup>5</sup> KREĆA 2017.

<sup>6</sup> KREĆA 2017.

<sup>7</sup> Interpol 2001.

<sup>8</sup> Official Gazette of the Republic of Serbia 2007e: Official Gazette of the Republic of Serbia 2011b.

<sup>9</sup> NIKAČ–JURAS 2015.

<sup>10</sup> Official Gazette of the Republic of Serbia 2009b: Annex III.

concluded, following pre-accession documents (2010).<sup>11</sup> The Operational Agreement enables data exchange, liaison officer deployment and other collaborative forms, resolving previous limitations on information sharing. This solution aligns with Europol Regulation 2016/794,<sup>12</sup> which governs classified information exchange.

The most important goal of cooperation is the fight against all forms of organised crime, terrorism and other serious manifestations of crime.<sup>13</sup>

In cooperation with Europol, the Ministry of Internal Affairs of the Republic of Serbia has adopted a new strategic document entitled *Threat Assessment of Organized and Serious Crime (SOCTA)* (2023), which was presented in detail at the University of Criminal Investigation and Police Studies in Belgrade on 19 April 2024.<sup>14</sup> The main editor of the document (one of the co-authors of this report) emphasised “the importance of combining practical experience and science for the development of a holistic and effective approach in the fight against organized crime”.

### *National dimension*

National legal sources encompass the norms of domestic legislation that regulate the suppression of organised crime, international police cooperation and criminal-legal cooperation. In this regard, the most important sources are: Constitution of the Republic of Serbia,<sup>15</sup> Criminal Procedure Code,<sup>16</sup> Criminal Code,<sup>17</sup> Law on International Legal Assistance in Criminal Matters,<sup>18</sup> Law on Police,<sup>19</sup> Law on the Organisation and Competence of State Authorities in Combating Organised Crime, Terrorism and Corruption,<sup>20</sup> Law on Foreign Affairs.<sup>21</sup>

The most important internal legal source relevant to the police and its organisation, duties, powers and work control is the *Law on Police*. Following Article 19 of this law, the Ministry of Internal Affairs of the Republic of Serbia carries out international cooperation at the level of the minister and representatives with foreign authorities, as well as international and other organisations. The Ministry of Internal Affairs of the Republic of Serbia carries out international operational police cooperation through the *Police Directorate*, based on confirmed international agreements, while respecting the principles of reciprocity and membership in international (police) organisations.

Some of the other national regulations relevant to international police cooperation in the fight against crime are the Law on the Ratification of the Agreement about the

<sup>11</sup> European Commission 2014.

<sup>12</sup> European Union 2016: Article 25.

<sup>13</sup> RADOVIĆ–ĐURĐEVIĆ 2016.

<sup>14</sup> Ministry of the Interior of the Republic of Serbia 2024; University of Criminal Investigation and Police Studies 2024a.

<sup>15</sup> Official Gazette of the Republic of Serbia 2006.

<sup>16</sup> Official Gazette of the Republic of Serbia 2011a.

<sup>17</sup> Official Gazette of the Republic of Serbia 2005a, amended in 2019.

<sup>18</sup> Official Gazette of the Republic of Serbia 2009a.

<sup>19</sup> Official Gazette of the Republic of Serbia 2016a, amended in 2018.

<sup>20</sup> Official Gazette of the Republic of Serbia 2016b, amended in 2018.

<sup>21</sup> Official Gazette of the Republic of Serbia 2007a, amended in 2009.

Readmission of Persons Illegally Residing between the EU and the Republic of Serbia,<sup>22</sup> Law on the Prevention of Violence and Improper Behaviour at Sports Events,<sup>23</sup> Law on Travel Documents,<sup>24</sup> Law on Foreigners,<sup>25</sup> Law on Citizenship,<sup>26</sup> Law on Asylum and Temporary Protection,<sup>27</sup> Law on Border Control,<sup>28</sup> Law on the National DNA Registry,<sup>29</sup> Law on Records and Data Processing in the Field of Internal Affairs,<sup>30</sup> Regulation on Principles of Internal Organisation in the Ministry of Internal Affairs,<sup>31</sup> Regulation on Conditions and Procedures for Opening and Closing Border Crossings,<sup>32</sup> Regulation on Special Police Units,<sup>33</sup> etc.

## Institutional mechanisms for combating organised crime in Serbia

We explain details about the police and internal security sector, the judicial authorities and other state authorities supplementing the mission of law enforcement.

### *Police and security services*

#### The National Police

*The Ministry of Internal Affairs of the Republic of Serbia (the Police)* is indisputably the most important subject in the fight against organised crime and crime in general. Within the Ministry, protocol – administrative and police – operational cooperation with foreign partners takes place.

The Minister of Internal Affairs and the Minister's Cabinet are responsible for implementing political cooperation with foreign partners, as well as protocol and legal matters related to cooperation with international partners.<sup>34</sup> The Cabinet includes the Department for Protocol Affairs, which performs the same tasks for the needs of the Minister and, when necessary, for other organisational units within the Ministry of Internal Affairs of the Republic of Serbia. The Cabinet–Department prepares and conducts meetings in which the minister participates, organises receptions and stays for foreign delegations, collaborates with other units to prepare and carry out official trips for the Minister, appears in public and organises Ministry events. The position and legal status of the minister are

<sup>22</sup> Official Gazette of the Republic of Serbia 2007b.

<sup>23</sup> Official Gazette of the Republic of Serbia 2014a.

<sup>24</sup> Official Gazette of the Republic of Serbia 2007c, amended in 2018.

<sup>25</sup> Official Gazette of the Republic of Serbia 2018a.

<sup>26</sup> Official Gazette of the Republic of Serbia 2004, amended in 2018.

<sup>27</sup> Official Gazette of the Republic of Serbia 2018b.

<sup>28</sup> Official Gazette of the Republic of Serbia 2008, amended in 2018.

<sup>29</sup> Official Gazette of the Republic of Serbia 2014b.

<sup>30</sup> Official Gazette of the Republic of Serbia 2016c.

<sup>31</sup> Official Gazette of the Republic of Serbia 2023.

<sup>32</sup> Official Gazette of the Republic of Serbia 2018c.

<sup>33</sup> Official Gazette of the Republic of Serbia 2019.

<sup>34</sup> Official Gazette of the Republic of Serbia 2006.

determined by the provisions of the Law on Police,<sup>35</sup> as well as the provisions of the Law on Ministries<sup>36</sup> and the Law on the Government.<sup>37</sup>

At the recent 10<sup>th</sup> ministerial meeting of the Western Balkans Summit “Berlin Process” (17 September 2024, Berlin), data was presented regarding a significant reduction in the number of illegal border crossings (61.8% compared to 2023), as well as a unified, regional and global response to this phenomenon, and intensive cooperation with partner agencies in the region, Europol and Frontex. Significant results have been achieved in combating organised crime because numerous parallel investigations and joint investigative team activities have been successfully carried out, with the aim of confiscating assets derived from criminal offences.<sup>38</sup>

*The Department for International Cooperation and Cooperation with the EU* within the Minister’s Cabinet organises, analyses, plans, proposes and implements tasks related to international cooperation, European integration, public policies, development and project management. The Department is responsible for bilateral and multilateral international cooperation, dispatching liaison officers abroad, planning and organising the participation of the Ministry of Internal Affairs of the Republic of Serbia in regional initiatives and peacekeeping operations of the EU, UN and other organisations.<sup>39</sup>

*The General Police Directorate* is the most important part of the Ministry of Internal Affairs of the Republic of Serbia, serving as the executor of traditional police duties and tasks within the community related to public order, combating all forms of crime and other responsibilities. The Directorate is organised based on linear and territorial principles in accordance with the principles of hierarchy and subordination.<sup>40</sup> The General Police Directorate is led by the General Police Director, who is responsible for its functioning.

The most significant part of the General Police Directorate in the field of crime is the *Criminal Police Directorate*, which has inherent jurisdiction in the fight against crime. The Directorate within the Ministry of Internal Affairs of the Republic of Serbia includes several specialised services, such as the Service for Combating Organised Crime, the Service for Combating Drug Trafficking, the Service for Crime Suppression, the Service for Special Investigative Methods, the Service for Criminal Analytics, the National Center for Criminal Forensics, and others.<sup>41</sup> The Service for Combating Organised Crime is the most important segment of the Criminal Police Directorate for combating organised crime, and it includes departments for combating general organised crime, organised financial crime, etc.<sup>42</sup> International cooperation takes place with the participation of this Service and through a special Department for international operational cooperation, which includes sections for cooperation with Interpol–NCB, also known as Interpol Belgrade,

<sup>35</sup> Official Gazette of the Republic of Serbia 2016a.

<sup>36</sup> Official Gazette of the Republic of Serbia 2020.

<sup>37</sup> Official Gazette of the Republic of Serbia 2005b.

<sup>38</sup> RADOVIĆ–ĐURĐEVIĆ 2016.

<sup>39</sup> RADOVIĆ–ĐURĐEVIĆ 2016.

<sup>40</sup> NIKAČ 2019: 36–39.

<sup>41</sup> Official Gazette of the Republic of Serbia 2011b.

<sup>42</sup> Official Gazette of the Republic of Serbia 2011b.

cooperation with Europol, and others.<sup>43</sup> International police cooperation in combating organised crime encompasses various activities in the suppression of smuggling: weapons and ammunition, drugs, illegal migrants, human trafficking, cybercrime and other severe manifestations.<sup>44</sup> The collaboration, activities, planning and other elements are unified by criminal operations,<sup>45</sup> as a shared discipline aimed at solving work-related issues, using the criminal intelligence model and analysing information.<sup>46</sup>

*The Special Antiterrorist Unit* plays a particularly significant role within the police structures. It is responsible not only for combating terrorism but also for bringing to justice individuals suspected of organised crime and other serious criminal offences. The Special Antiterrorist Unit almost always participates in risky operations, and it has specialised teams and a logistics support team. This unit is known for its close international cooperation with special units from the USA, France, Germany and others, with whom it conducts joint exercises, education, technical support and contacts.<sup>47</sup> One of the important recent activities of this unit was the arrest of an organised criminal group (V. Belivuk – M. Miljković), which committed a series of murders, extortion and other serious criminal offences on the territory of Serbia.

*The Border Police Directorate*<sup>48</sup> plays an important role in combating organised crime and other serious offences, given that the majority of these crimes have elements of transnational organised crime. This particularly applies to the suppression of cross-border crime, illegal migration, human trafficking and organ trafficking, among others.

### The National Security Services

*The Security Intelligence Agency*,<sup>49</sup> formerly a secret service within the Ministry of Internal Affairs of the Republic of Serbia, has transitioned from the Ministry's structure and now operates as an agency under the authority of the Government of the Republic of Serbia. It is a special organisation that primarily carries out tasks related to the protection of security and constitutional order of the Republic of Serbia, including the collection, processing and assessment of security and intelligence data. A particularly significant part of its work pertains to combating acts of domestic and international terrorism, organised crime and criminal offences with elements of foreign involvement, as well as crimes against humanity and international law.<sup>50</sup>

*The National Security Council* was established by the Law on the Basics of Organisation of Security Services (2007/2012) as the overarching institution for coordinating security services. The Council is under the jurisdiction of the President of the Republic and is responsible for coordinating the work of security services and other law enforcement

<sup>43</sup> Official Gazette of the Republic of Serbia 2011b.

<sup>44</sup> NIKAČ–JURAS 2015.

<sup>45</sup> ĐURĐEVIĆ–RADOVIĆ 2012.

<sup>46</sup> RADOVIĆ et al. 2014.

<sup>47</sup> DŽAMIĆ–LEŠTANIN 2023.

<sup>48</sup> Official Gazette of the Republic of Serbia 2023.

<sup>49</sup> Official Gazette of the Republic of Serbia 2002, amended in 2018.

<sup>50</sup> Official Gazette of the Republic of Serbia 2002, amended in 2018: Article 12.



agencies.<sup>51</sup> The Bureau for Coordination handles logistics for the needs of the National Security Council, coordinating the operational work of security services and implementing decisions on matters within its jurisdiction.<sup>52</sup>

In the context of combating organised crime, the Council can ensure better multi-agency cooperation, faster exchange of information, coordination and joint activities of law enforcement agencies. The Minister of Internal Affairs is mandatory to attend Council sessions as a member, and the Director of Police and chiefs of individual police departments attend upon invitation.

### Judicial and other authorities

*The Prosecution for Organised Crime* is a specialised department of the State Prosecutor's Office with inherent jurisdiction in prosecuting all criminal offences related to organised crime. Like other specialised bodies combating organised crime, the prosecution was established after Serbia signed and ratified the Palermo Convention on combating organised crime.

The competent authorities for combating organised crime, terrorism and corruption are provided for by the Law on the Organisation and Competence of State Authorities in Combating Organised Crime, Terrorism and Corruption (2016/2018): a) Public Prosecution Office for Organised Crime; b) Ministry of Internal Affairs and the relevant organisational unit (Criminal Police Directorate – Department for Combating Organised Crime); c) Special Department of the Higher Court in Belgrade for Organised Crime; d) Special Department of the Court of Appeal in Belgrade for Organised Crime; and e) Special Detention Unit of the District Prison in Belgrade. The law is applied for the detection, prosecution and trial of the following criminal offences: organised crime; the murder of high state officials and armed rebellion; abuse of official duty, giving and receiving bribes related to voting; against the economy; terrorism and related offences; against state authorities and the judiciary.

The Prosecutor's Office for Organised Crime is competent for proceedings throughout the territory of the Republic of Serbia, and it is led by the Chief Public Prosecutor for Organised Crime. Prosecutors and employees have a special legal status due to the risks associated with their work. Within the prosecutor's office, it is possible to establish a specialised Financial Forensics Service that assists in analysing money flows and financial transactions for criminal prosecution. These areas include finance, accounting, auditing, banking, stock exchange and business operations.

Specialised units play a significant role in combating organised crime, as they can be formed with the aim of more effective work in detecting and prosecuting criminal offences.

*The Special Court* is the colloquial term for a separate court handling cases related to organised crime. As the first-instance court for organised crime within the territory of Serbia, it is the Higher Court in Belgrade, specifically its Special Department for

<sup>51</sup> Official Gazette of the Republic of Serbia 2007d.

<sup>52</sup> Official Gazette of the Republic of Serbia 2007d: Articles 12–14.



Organised Crime.<sup>53</sup> As the second-instance court for criminal offences related to organised crime, the Appellate Court in Belgrade has jurisdiction.

The legal status of judges, employees and other matters are regulated by the provisions of the Law on the Organisation and Competence of State Authorities in Combating Organised Crime, Terrorism and Corruption, as well as by judicial regulations regarding the organisation of courts and prosecutors' offices in Serbia. This particularly applies to assigning judges, etc. to the Special Court. The President of the Higher Court in Belgrade further regulates the work of the first-instance Special Department, and the President of the second-instance Appellate Court follows the same procedure.<sup>54</sup>

*Other authorities* are primarily state authorities, which, by the nature of their work, complement the police and judicial authorities.

These are primarily the authorities within the Ministry of Finance, such as the Tax Administration and its organisational units: Tax Police, Customs Administration and the Administration for the Prevention of Money Laundering. The National Bank of Serbia also holds significant importance as the central bank, possessing crucial data, resources and personnel capable of monitoring financial flows and potential criminal activities, particularly those related to money laundering and terrorism financing.<sup>55</sup>

## Conclusion

Today, organised crime in modern society of the 21<sup>st</sup> century is a global phenomenon with a pronounced international dimension, similar to terrorism and other severe forms of criminal activity. In this sense, combating organised crime involves a set of activities that have a strong international aspect and require the engagement, anti-criminal solidarity and cooperation of all states and specialised international organisations such as Interpol, Europol and others.

Southeastern Europe and the territories of the former Yugoslavia are particularly vulnerable, as this region has been affected by armed conflicts and severe consequences in recent history. The reconstruction of newly formed states and the establishment of legal systems and functional institutions have been hindered due to the intense infiltration of all forms of crime, especially organised crime and terrorism. Effective combat against this menace requires domestic measures by individual states, a multi-agency approach, and international police and criminal justice cooperation. On a regional level, a significant step forward was the signing of the Convention on International Police Cooperation in the SEE, and the SELEC Convention, based on which numerous bilateral agreements between Serbia and other former Yugoslav states were later concluded, and mechanisms for regional cooperation were established.

The Republic of Serbia currently has developed international cooperation with many countries and international organisations. Cooperation primarily takes place in the field of

<sup>53</sup> Official Gazette of the Republic of Serbia 2016b, amended in 2018: Article 7.

<sup>54</sup> Official Gazette of the Republic of Serbia 2016b, amended in 2018: Article 8.

<sup>55</sup> ĐURĐEVIĆ 2013: 133–148.

combating organised crime, terrorism and other serious forms of criminal activity that deeply disturb the public and cause fear and insecurity in the community. It is about versatile cooperation on bilateral, regional and multilateral levels. Today, our country is highly regarded as a reliable partner by the United States, EU member states, and other significant countries and organisations. A critical aspect of this cooperation relates to personnel education and technical support, with the authors emphasising the role of the University of Criminal Investigation and Police Studies, which has established excellent collaboration with U.S. organisations such as the International Criminal Investigative Training Assistance Program (ICITAP)<sup>56</sup> and the Federal Bureau of Investigation (FBI), the Federal Criminal Police of Germany (BKA) and the Police Academy from Wiesbaden.<sup>57</sup>

We believe that effective combat against organised crime, terrorism and other serious forms of criminal activity cannot be conducted without comprehensive international police and legal cooperation. In this regard, existing procedures should be further streamlined, and the mobility of criminal investigative teams and joint investigative teams should be increased.

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<sup>56</sup> University of Criminal Investigation and Police Studies 2024b.

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