

## **Progress report for Annex – Organized Crime,**

**Reporting period, from 01<sup>st</sup> of October 2014. until 01<sup>st</sup> of April 2015.**

The Republic of Serbia has strengthened its legal and institutional framework in the fight against organized crime. However, it is necessary to continue work on the harmonization of legislation to enhance efficiency and proactive approach in detection and prosecution of organized crime. Essential in combating organized crime is to improve the efficiency of relevant institutions, gathering, processing and track record of information, exchange of information at a national and international level, and to further promote regional and international cooperation through regional and international projects. Further and continuous specialization of Public Prosecutor Office and Police will be the tool for achieving those goals.

### **Strategic framework**

Republic of Serbia, as a whole, do not have one comprehensive Strategic document in the field of Justice, Liberty and Security, which will include and be the framework, for all individual strategies that will be developed by separate law enforcement bodies in Republic of Serbia.

Nevertheless, different line Ministries have developed several Strategies to address different phenomena, and all of them are developed in a manner to reflect the EU Strategic objectives in certain area.

The basis for for the development of sectoral strategies and improvement of the vital scope of the Ministry of the Interior work is “Development Strategy of the Ministry of Interior 2011 – 2016” where, as a main goal stands that Ministry of the Interior will provide “full protection of personal safety of citizens, protection of their property and preserving stability of public order”.

Within EU integration process of Republic of Serbia and Chapter 24 –Subchapter Fight against Terrorism, in Action Plan for Fight against Terrorism activity 7.1.1 foresees adoption of National Strategy and Action Plan to prevent and fight against terrorism (based on the model Prevent-Protect-Pursue-Respond including the topic of foreign fighters, radicalization and communication). Deadline for this activity to be conducted is December 2015.

In order to strengthen the national referral mechanism and better protect victims of trafficking, as well as the harmonization of national legislation with the EU acquis by the interdepartmental working group consisting of representatives of state bodies and civil society organizations, the National Strategy for prevention and combating trafficking in human beings, especially women and children and the protection of victims in the Republic of Serbia for the period 2015-2020. , and a proposal of the supporting National Action Plan for the period 2015 - 2016 were drafted. The adoption of these two strategic documents is expected for 2015.

Within the plans and commitments deriving from the Strategy on the control of small arms and light weapons for the period 2010-2015. , as well as the Action Plan for implementation of the Strategy, the Administrative Affairs Directorate, in accordance with its responsibilities, in cooperation with the Secretariat of the Ministry prepared a draft Law on weapons and ammunition, which was adopted by the National Assembly of the Republic of Serbia (published in the Official Gazette of R Serbia No 20 / 2015-3 from 02.24.2015). Provisions of the said Act standardized a number of solutions relevant to the field of "organized crime".

We hereby highlight that Article 51 of the mentioned Law prescribes the obligation of implementation of legal legalization, which began March 04, 2015 and will last until June 04, 2015. Also, this Directorate is now working on the preparation of the accompanying bylaws adopted on the basis of the Law on Arms and Ammunition which will specify the procedure relevant for issuing, layout and content of forms and documents related to weapons as stipulated by the Law on Arms and Ammunition etc.

On 27 December 2014, the Government of the Republic of Serbia adopted Strategy for Drug Abuse Suppression in the RS (2014–2021) and its accompanying Action plan (2014–2017), both published in the Official Gazette, No. 1/2015. This strategic document is in line with EU Strategy on drugs (2013–2020) and EU Action plan on drugs (2013–2016). It also reflects the main objectives of the renewed (2013) EU-Western Balkan Action Plan on Drugs, focusing on strategic planning, legislation and institution building, demand reduction, law enforcement and judicial co-operation, money laundering and precursor control. Serbia's new strategy and action plan foresee evaluation mechanisms.

In order to fulfill obligations and activities defined in Action Plan for Chapter 24, Criminal Police Directorate, Ministry of Interior of Republic of Serbia, initiated Regional Project “Enhancing Capacities for Strategic Analysis and Strategic Assessment in the Criminal Police Directorates of the Serbian, Montenegrin and FYRoM Ministries of Interior” organized by Law Enforcement Department of the OSCE Mission to Serbia in cooperation with representatives from EUROPOL and six analysts who were designated to develop National Serious and Organized Crime Threat Assessment (SOCTA).

Within the project, the following has been organized:

- Four trainings:
- First two trainings were held on Zlatibor, in period from 22.09-03.10.2014. (First part related to the basis of strategic analysis was held by foreign expert Glin Morgan, engaged by OSCE Mission, while the second part was related to EUROPOL methodology and was held by EUROPOL experts, Barbara Selis and Saša Strup)
- Third part of the training was held in period from 02-06.02.2015 in Bečići, Montenegro and was regarding using program NVivo

- Fourth part of the training regarding establishing methodology for the development of SOCTA, was held in period from 20-24.04.2015 in Skoplje
- Two study visits:
  - Visit to EUROPOL in the Hague, in the period from 01-03.12.2014
  - Visit to the Federal police in Belgium, in the period from 17-19.02.2015
- Workshop:
  - Presentation of the current status and progress and future activity plans in drafting SOCTA report, in the period from 18-19.03.2015 in Belgrade.

By Decision of Minister of the Interior, 01 - 118/15-12 from 01.04.2015 Working Group for developing National Serious and Organized Crime Threat Assessment (SOCTA), as well as drafting the Regional Threat Assessment within Project “Enhancing Capacities for Strategic Analysis and Strategic Assessment in the Criminal Police Directorates of the Serbian, Montenegrin and FYRoM Ministries of Interior” was formed. Working Group consists of Head and deputy Head of Working Group and 16 members of the team (10 analysts from different organizational units of Ministry, who will directly be engaged on making National Threat Assessment and six members of management who will give suggestions and direct work of analysts to specific fields for which they are responsible).

Work premises were determined, equipment installed and Working Group officially started with work on 04.05.2015 and has so far:

- Established methodology for SOCTA development in line with EUROPOL methodology
- Activity plan in line with OSCE scheme of activities was performed
- Topics to be covered are defined
- Questionnaires for field of OCG and SOC are drafted
- All internal and external sources of data are defined
- Preliminary meetings with internal sources of data have been conducted

Final deadline for performing tasks of Working Group and drafting National Serious and Organized Crime Threat Assessment is 31.12.2015.

Ministry of Justice has created the first Serbian strategy for financial investigations together with its accompanying Action plan.

Investigation of financial crime is one of the priorities of the Republic of Serbia in the fight against corruption, money laundering and financial crime. The adoption of short-term strategy for financial investigation represents the achievement of the goals stipulated by the National Strategy for fight against corruption in the Republic of Serbia for the period from 2013 to 2018. The draft version is developed by a working group composed of representatives of the Ministry of Justice, the Council for the Fight against Corruption, the Tax Administration, the Tax Police, the Directorate for prevention of money Laundering, Customs Administration, National Bank of

Serbia, Serbian business registers agency, Agency for privatization, Agency for fight against corruption, Ministry of Interior, the Republic Public Prosecutor's Office, the Prosecutor's Office for Organized Crime, Supreme Court of Cassation, the Security information Agency, the Agency for licensing bankruptcy administrators, BSE and the Central securities depository.

The responsible institutions for implementing the activities which are predicted in the Action plan are: Ministry of Justice, Ministry of Interior, Republic Public Prosecution Office etc.

This Strategy, and the Action plan whose adoption is expected in the recent period, is available to you at this link <http://www.mpravde.gov.rs/obavestenje/8549/predlog-strategija-istraga-finansijskog-kriminala-za-period-2015-do-2016-godine-.php>.

### **Legal framework**

**Provisions of Criminal Code are largely aligned with relevant EU acquis in the area of trafficking in human beings, cybercrime and drugs, partially aligned in the area of on-line child pornography.**

Article 388 of Criminal Code (“Official Gazette of the Republic of Serbia“, Nos. 85/05, 88/05 - correction, 107/05 - correction, 72/09, 111/09, 121/12, 104/13 and 108/14) regulates criminal offense human trafficking. It is provided that:

(1) Whoever by force or threat, deception or maintaining deception, abuse of authority, trust, dependency relationship, difficult circumstances of another, retaining identity papers or by giving or accepting money or other benefit, recruits, transports, transfers, sells, buys, acts as intermediary in sale, hides or holds another person with intent to exploit such person’s labour, forced labour, commission of offences, prostitution, mendacity, pornography, removal of organs or body parts or service in armed conflicts shall be punished by imprisonment of from three to twelve years.

(2) When the offence referred to in paragraph 1 of this Article is committed against a juvenile, the offender shall be punished by the penalty prescribed for that offence even if there was no use of force, threat or any of the other mentioned methods of perpetration.

(3) If the offence referred to in paragraph 1 of this Article is committed against a juvenile, the offender shall be punished by imprisonment of a minimum of five years.

(4) If the offence referred to in paragraphs 1 and 2 of this Article resulted in serious bodily injury of a person, the offender shall be punished by imprisonment of from five to fifteen years, and in

case of severe bodily harm to a juvenile person due to the offence referred to in paragraph 3, the perpetrator shall be punished with minimum five years' imprisonment.

(5) If the offence referred to in paragraphs 1 and 3 of this Article resulted in the death of one or more persons, the offender shall be punished by imprisonment of a minimum of ten years.

(6) Whoever habitually engages in offences referred to in paragraphs 1 to 3 of this Article or if the offence is committed by a group shall be punished by imprisonment of a minimum of five years.

(7) If the offence referred to in paragraphs 1 to 3 of this Article is committed by an organised group, the offender shall be punished by imprisonment of a minimum of ten years.

(8) Whoever knows or should know that a person is a victim of trafficking, and abuses his/her position or allow to another to abuse his/her position for the exploitation referred to in paragraph 1 this Article, shall be punished by imprisonment from six months to five years.

(9) If the offence referred to in paragraph 8 of this Article is committed against a person for whom the offender knows or should know that he/she is a juvenile, the offender shall be punished by imprisonment of from one to eight years.

(10) The agreement of persons to be exploited or placed in slavery or servitude referred to in paragraph 1 this Article shall not affect the existence of the criminal offence referred to in paragraphs 1, 2 and 6 of this Article.

Article 389 of Criminal Code regulates the criminal offence trafficking in minors for adoption. It is provided that:

(1) Whoever abducts a person not yet sixteen years of age for the purpose of adoption contrary to laws in force, or whoever adopts such a person or mediates in such adoption, or whoever for that purpose buys, sells or hands over another person under sixteen years of age or transports such a person, provides accommodation or conceals such a person, shall be punished by imprisonment of from one to five years.

(2) Whoever habitually engages in activities referred to in paragraph 1 of this Article or if the offence is committed by a group shall be punished by imprisonment of a minimum of three years.

(3) If the offence referred to in paragraph 1 of this Article is committed by a organised criminal group, the offender shall be punished by imprisonment of a minimum of five years.

Article 390 of Criminal Code regulates the criminal offence holding in slavery and transportation of enslaved persons. It is provided that:

(1) Whoever in violation of international law enslaves another person or places a person in servitude, or holds a person in slavery or servitude, or buys, sells, hands over to another or mediates in buying, selling and handing over of such person or induces another to sell his freedom or freedom of persons under his support or care, shall be punished by imprisonment of from one to ten years.

(2) Whoever transports persons in slavery or servitude from one country to another shall be punished by imprisonment of from six months to five years.

(3) Whoever commits the offence referred to in paragraphs 1 and 2 of this Article against a juvenile shall be punished by imprisonment of from five to fifteen years.

Article 185 of Criminal Code regulates the criminal offence exhibition, procurement and possession of pornographic materials and exploiting juveniles for pornography. It is provided that:

(1) Whoever sells, shows or publicly displays or otherwise makes available texts, images, audio-visual or other items of pornographic content to a juvenile or shows to a juvenile a pornographic performance, shall be punished with a fine or imprisonment of up to six months.

(2) Whoever exploits a juvenile to produce photographs, audio-visual or other items of pornographic content or for a pornographic performance, shall be punished with imprisonment from six months to five years.

(3) Where the offence referred to in paragraphs 1 and 2 of this Article was committed against a child, the offender shall be punished for the offence referred to in paragraph 1 with imprisonment of from six months to three years, and for the offence referred to in paragraph 2 of this Article with imprisonment of from one to eight years.

(4) Whoever obtains for themselves, possesses, sells, exhibits privately or publicly, or electronically or otherwise makes available pictures, audio-visual or other items of pornographic content resulting from the abuse of juveniles, shall be punished with imprisonment of from three months to three years.

(5) Items referred to in paragraphs 1 through 4 of this Article shall be confiscated.

Article 185b of Criminal Code regulates abuse of computer networks or other technical communication means for committing criminal offences against sexual freedom of juveniles. It is provided that:

Whoever with intent to commit criminal offences referred to in Article 178 paragraph 4 (rape), Article 179 paragraph 3 (copulation with a helpless person), Article 180 paragraphs 1 and 2 (copulation with a child), Article 181 paragraphs 2 and 3 (sexual intercourse through abuse of position), Article 182 paragraph 1 (prohibited sexual acts), Article 183 paragraph 2 (pandering and facilitating sexual intercourse), Article 184 paragraph 3 (mediation in prostitution), Article 185 paragraph 2 (exhibition, procurement and possession of pornographic materials and exploiting juveniles for pornography) and Article 185a of this Code (incitement of minors to attend sexual acts), uses computer networks or other technical communication means to make appointments with juveniles, and appears at the place of the appointment, shall be punished with imprisonment of from six months to five years, and with a fine.

(1) Whoever commits any of the criminal offences referred to in paragraph 1 of this Article against the child, shall be punished with imprisonment of from one to eight years.

Articles 298 – 304a regulate the criminal offences against the security of computer data. Article 298 of Criminal Code regulates the criminal offence damaging computer data and programmes. It is provided that:

(1) Whoever without authorisation deletes, alters, damages, conceals or otherwise makes unusable a computer datum or programme shall be punished by a fine or imprisonment of up to one year.

(2) If the offence referred to in paragraph 1 of this Article results in damages exceeding four hundred and fifty thousand dinars in value, the offender shall be punished by imprisonment of from three months to three years.

(3) If the offence referred to in paragraph 1 of this Article results in damages exceeding one million five hundred thousand dinars in value, the offender shall be punished by imprisonment of from three months to five years.

(4) The equipment and devices used in perpetration of the offence referred to in paragraphs 1 and 2 of this Article shall be seized.

Article 299 of Criminal Code regulates the criminal offence computer sabotage. It is provided that:

Whoever enters, destroys, deletes, alters, damages, conceals or otherwise makes unusable computer datum or programme or damages or destroys a computer or other equipment for electronic processing and transfer of data, with intent to prevent or considerably disrupt the procedure of electronic processing and transfer of data that are of importance for government authorities, enterprises or other entities, shall be punished by imprisonment of six months to five years.

Article 300 of Criminal Code regulates the criminal offence generating and introducing computer viruses. It is provided that:

- (1) Whoever generates a computer virus with the intent of introducing it into another's computer or computer network shall be punished by a fine or imprisonment of up to six months.
- (2) Whoever introduces a computer virus into another's computer or computer network and thereby causes damage be punished by a fine or imprisonment of up to two years.
- (3) The equipment and means by which the criminal offence referred to in paragraphs 1 and 2 of this Article shall be seized.

Article 301 of Criminal Code regulates the criminal offence computer fraud. It is provided that:

- (1) Whoever enters incorrect data, fails to enter correct data or otherwise conceals or falsely represents data and thereby affects the results of electronic processing and transfer of data with intent to acquire for himself or another unlawful material gain and thus causes material damage to another person, shall be punished by a fine or imprisonment of up to three years.
- (2) If the offence referred to in paragraph 1 of this Article results in acquiring material gain exceeding four hundred and fifty thousand dinars in value, the offender shall be punished by imprisonment of from one to eight years.
- (3) If the offence referred to in paragraph 1 of this Article results in acquiring material gain exceeding one million five hundred thousand dinars in value, the offender shall be punished by imprisonment of from two to ten years.
- (4) Whoever commits the offence referred to in paragraph 1 of this Article from malicious mischief, shall be punished by a fine or imprisonment of up to six months.

Article 302 of Criminal Code regulates the criminal offence unauthorised access to protected computers, computer networks and electronic data processing. It is provided that:



(1) Whoever, by breaching protection measures, accesses a computer or computer network without authorisation, or accesses electronic data processing without authorisation, shall be punished by a fine or imprisonment of up to six months.

(2) Whoever uses records obtained in the manner provided under paragraph 1 of this Article shall be punished by a fine or imprisonment of up to two years.

(3) If the offence referred to in paragraph 1 of this Article results in suspension or serious malfunction in electronic processing and transfer of data or of the network, or other serious consequences have resulted, the offender shall be punished by imprisonment of up to three years.

Article 303 of Criminal Code regulates the criminal offence preventing or restricting access to public computer networks. It is provided that:

(1) Whoever without authorisation prevents or hinders access to a public computer network shall be punished by a fine or imprisonment of up to one year.

(2) If the offence referred to in paragraph 1 of this Article is committed by an official in discharge of duty, such official shall be punished by imprisonment of up to three years.

Article 304 of Criminal Code regulates the criminal offence unauthorised use of computer or computer networks. It is provided that:

(1) Whoever uses computer services or computer networks with intent to acquire unlawful material gain for him or another shall be punished by a fine or imprisonment of up to three months.

(2) Prosecution for the offence referred to in paragraph 1 of this Article shall be instigated by private action.

Article 304a of Criminal Code regulates the criminal offence manufacture, procurement and provision to others means for the committing criminal offences against the security of computer data. It is provided that:

(1) Whoever possesses, manufactures, procures, sell or gives to another for his use computers, computer systems, computers data or programs intended for committing criminal offences specified in articles 298 to 303 of this Code, shall be punished with imprisonment of six months to three years.

(2) Objects specified in paragraph 1 of this article shall be seized.

Also, Article 246 of Criminal Code regulates the criminal offence unlawful production and trafficking of narcotics. It is provided that:

(1) Whoever produces, processes, sells or offers for sale, or whoever purchases for resale, keeps or transfers, or who mediates in sale or purchase, or otherwise unlawfully placed on the market substances or preparations that are declared narcotics, shall be punished by imprisonment of three to twelve years.

(2) Whoever unlawfully has grown poppy seeds or psychoactive hemp or other plants from which it receives a narcotic or which themselves contain narcotic, shall be punished with imprisonment of six months to five years.

(3) If the offense referred to in paragraph 1 of this Article is committed by a group, or if the offender has organized a network of dealers or mediators, the offender shall be punished by imprisonment of five to fifteen years.

(4) If the offense referred to in paragraph 1 of this Article is committed by an organized criminal group, the offender shall be punished by imprisonment of at least ten years.

(5) The offender referred to in paragraphs 1 to 4 of this Article, who reveals from whom he purchases narcotics may be remitted.

(6) Whoever without authorization makes, procures, possesses or provides for use the equipment, material or substances knowing that they were intended for the production of narcotics, shall be punished with imprisonment of six months to five years.

(7) Narcotics and devices for their production and processing shall be seized.

Article 246a of Criminal Code regulates the criminal offence unlawful keeping of narcotics. It is provided that:

(1) Whoever unlawfully keeps for their own use small quantities of substances that are declared narcotics, shall be punished by a fine or imprisonment up to three years, or may be remitted from punishment.

(2) The offender referred to in paragraph 1 of this Article who reveals from whom he purchases narcotics may be remitted of punishment.

(3) The narcotics shall be seized.

Article 247 of Criminal Code regulates the criminal offence facilitating the use of narcotics. It is provided that:

(1) Whoever induces another person to take narcotics or gives him narcotics for his or another's use or places at disposal premises for taking of narcotics or otherwise enables another to take narcotics, shall be punished by imprisonment of six months to five years.

(2) If the offence referred to in paragraph 1 of this Article is committed against a juvenile or several persons or has resulted in particularly serious consequences, the offender shall be punished by imprisonment of from two to ten years.

(3) If the offences referred to in paragraph 1 of this Article results in death of a person, the offender shall be punished by imprisonment of from three to fifteen years.

(4) The narcotics shall be seized.

**Article 19 of Criminal Procedure Code („Official Gazette of the Republic of Serbia“, Nos. 72/11, 101/11, 121/12, 32/13, 45/13 and 55/14) provides that all public authorities are required to render necessary assistance to the public prosecutor, courts or other authorities conducting proceedings, as well as to the defendant and his defence attorney at their request with the aim of collecting evidence.**

During the implementation of the new Criminal Procedure Code it can be said that no legal obstacles in channeling of cases through the system were noticed. The CPC is clearly describing the role and responsibilities of all relevant bodies involved in the criminal procedure, their cooperation and relations. It also prescribes sanctions in case of obstruction or refusal to cooperate in the context of an investigation.

The CPC establishes the rules which are the basis for the fair and lawful conduct of the proceedings in which criminal sanctions will be imposed to every offender pursuant to the Criminal Code, and determines the rules which ensure that innocent person is not convicted.

The CPC defines the rules of conduct of the state bodies and other entities in the preliminary investigation proceedings, whereby the authority of the police and the public prosecutor in the process of discovering the commission of the crime, gathering evidence for a committed criminal offense, disclosure of its perpetrator, filing criminal report and decisions of the public prosecutor in this regard, are clearly regulated.

According to the CPC the investigation is initiated and implemented by the public prosecutor, with the participation of the court through authorities given to the judge for preliminary proceedings, which are strictly determined by the rules of this section of the CPC.

In practice the so-called "prosecutorial investigation" proved to be a good solution for the following reasons:

- Collecting relevant evidence about the criminal offense and the perpetrator has been delegated to the public prosecutor, who will, at a later stage of the criminal proceedings and on the basis of the conducted investigation, raise an indictment and represent it in the court;
- Better cooperation with the police, which is reflected in the possibility of influencing to and directing the work of the police to gather data and information on the material facts,
- Fast and efficient investigation which is exercised through the fact that the public prosecutor directly implements, in the planned investigation strategy, all of evidentiary actions and thus obtains evidences relevant for decision after completion of the investigation,
- Public prosecutor is far better acquainted with the subject of the investigation, the evidence collected, its quality and does not depend, as before, from the court which determined the time, place and method of evidence gathering,
- Investigations conducted by the public prosecutor lasted relatively short, as much as was necessary to gather relevant evidence and in all cases in less than six months, while investigations according to the previous CPC lasted for six months as a rule, in some cases even longer and in some cases for several years.

Also, in comparison to the previous CPC, efficiency improvements are reflected in the fact that certain deadlines are determined for the actions of the police upon the orders of the public prosecutor's office; it was enabled the expanded use of special investigative measures and plea agreements; it were introduced new rules on submitting documents that diminish the possibility of delays; the number and scope of measures to ensure presence of the defendant party were expanded and the adversarial proceedings at trial was introduces.

Regarding the part of the criminal proceedings related to the main hearing/trial and verdict rendering, the provisions of the CPC in this section clearly define the role of the court and the parties to the proceedings, although it could be said that in certain phases of the main hearing there are provisions which do not contribute to maximal effectiveness of this part of proceeding, which is the condition to carry out a trial within a reasonable time.

The other provisions of the CPC, which regulate the legal remedies proceedings, summary proceedings, the proceeding for pronouncing security measures, confiscation of proceeds from crime, for exercising the rights of the convicted person, the exercise of the rights of persons wrongfully deprived of liberty or wrongfully convicted, as well as the proceeding for the

issuance of arrest warrants or notices, regulate and prescribe in a complete and clear way the role of each of the relevant state bodies, which contribute to closing of these parts of the proceeding in the most efficient manner.

The relevant legal framework of the Republic of Serbia, in the first place The Criminal Procedure Code, which contains codified rules for the procedures in criminal matters, also establish the jurisdiction of the police over the implementation of some special investigative measures independently of security-intelligence services. The dependence of the police on the Security-Information Agency regarding the implementation of special evidentiary measures exists only in case of covert surveillance of communications, when legal interception of electronic communications is conducted, with an insight into the content of communications. Previously mentioned dependence is reflected in the fact that the Security-Information Agency performs only technical administrating for the police, after the decision is made by the court, while the direct exploitation is still done by the police alone. This course of action is conditioned by the lack of resources in the Republic of Serbia. We emphasize the fact that the police accesses the retained data absolutely independently of the monitoring centre located in the Security-Information Agency.

As for resolving the mentioned shortcoming, it is planned that the National Security Council deals with this issue, since it is the central advisory body of the Republic of Serbia in charge of dealing with the issues of significance to the national security, so that it would take a position regarding the issue, formed as a recommendation, which would then be forwarded to the Government. The Security-Information Agency has forwarded to the Office of the National Security Council and Protection of Secret Data the material necessary for discussing this issue at the National Security Council session.

**Regarding the other law enforcement bodies beyond the police that have investigative powers,** at first glance it can be concluded that Security Information Agency, in accordance with the Criminal Procedure Code, has typical investigative power, therefore it is important to note that:

- criminal procedure legislation neither stipulates the possibility for Security Information Agency to take part in criminal proceedings, or by undertaking regular evidentiary actions, in bringing and arresting based on an order of the judge for preliminary proceedings, summoning, hearing of a suspect and interrogation of a witnesses, search of an apartment or person, temporary confiscation of items etc., nor judges for preliminary proceedings ever issue orders (directives) addressed to Security Information Agency for undertaking the mentioned evidentiary actions in criminal proceedings, and

- CPC stipulates the possibility, in Chapter VII – Evidence, Section 3 – Special evidentiary actions (articles 161 to 187), that certain measures, results of which can be used as evidence in

criminal proceedings, may be implemented by Security Information Agency and Military Security Agency, besides the Police, and in practice, Security Information Agency and Military Security Agency have so far conducted only covert interception of communications, covert surveillance and audio and video recording and access to the retained data (computer search of data).

**Statutory powers of customs officers** are defined by the provisions of the Customs Law. A customs officer may:

- carry the weapons and ammunition under the terms and conditions established by the Minister of Finance;
- use coercive measures (in accordance with the regulations applied by the authorized officers of the Ministry of Interior),
- stop the vehicle, enter a means of transport, carry out an inspection and search any of its parts;
- detain the vehicle until customs debtor has paid proper duties;
- enter and inspect customs debtor business premises, goods and documentation;
- enter and inspect aircraft premises, goods and documentation;
- enter and inspect airport area, goods and documents;
- enter and inspect vessel premises, goods and documents;
- request oral explanations and explanations in writing from the participants in customs procedure,
- request any person to show the goods, the person is obliged to answer all questions relating to the goods and deliver the goods for inspection;
- determine the person's identity by requesting his passport or some other identification document;
- temporarily detain the person-up to 6 hours;
- search the person in conformity with the rules;
- temporarily seize the goods in accordance with the provisions of the Criminal Procedure Code;
- ask for evidence that the goods have been purchased in the customs territory or imported in accordance with regulations.

Certain investigative powers are also within the scope of Customs Administration work. According to the Criminal Procedure Code, "a search without a warrant" cannot be done by any other officer so authorized other than the police officer in charge. In addition, "Powers of the preliminary investigation bodies" envisages powers to be performed only by the police.

The reports on facts of the matter found during search of the persons, vehicles and premises, as well as temporarily detained objects and documentation can be used in misdemeanor or criminal proceedings. Customs officers have no authority to use measures of covert tracking.

**The Administration for the Prevention of Money Laundering** (hereinafter: APML) is not a law-enforcement body nor has it investigative powers. APML is an administrative body within

the Ministry of Finance and has operational independence (it is an administrative-type financial intelligence unit – FIU).

It has the following responsibilities and powers, according to the Law on the Prevention of Money Laundering and the Financing of Terrorism (Official Gazette of RS, Nos 20/09, 72/09 и 91/10 – hereinafter: AML/CFT Law):

- Core FIU functions, i.e. receipt, processing/analysis of cash transaction reports [CTRs] (EUR 15000 or more) and suspicious transaction reports [STRs] (regardless of the amount) received from obliged entities listed in Article 4 of the AML/CFT Law, relevant authorities and foreign financial intelligence units (FIUs);
- and dissemination of information to relevant authorities (police, prosecutor’s office) in case when it has *reasons for suspicion* on money laundering (ML) or financing of terrorism (TF);

It can also:

- Request additional information from obliged entities and lawyers where it has *reasons for suspicion* on ML/TF;
- Request information from the competent state authorities;
- Issue an order to the obliged entity for temporary suspension of a transaction (72+48 hours) where it has *grounded suspicion* on ML or TF;
- Issue an order to the obliged entity for monitoring client transactions and business activities (maximum 6 months) where it has *reasons for suspicion* on ML/TF;
- Share data with competent state authorities;
- Cooperate and share information with foreign FIUs.

The role of the APML in preventing ML/FT includes the following elements:

- supervision over the implementation of the AML/CFT Law;
- submission of proposals to the Minister to amend the AML/CFT Law;
- drafting of laws and bylaws and providing and opinions to the obliged entities on certain AML/CFT Law provisions;
- development of the list of STR indicators for identifying suspicious transactions and suspicious transaction reporting guidelines;
- international AML/CFT cooperation and exchange of information;

According to the Law on Freezing of Assets with the Aim of Preventing Terrorism (Official Gazette of RS, No. 29/15), APML has the following responsibilities:

- APML can make proposals for designation of terrorists (by submitting a written and justified proposal to the Government for designation) [Article 5]
- APML can make proposals for freezing of assets of designated terrorists (by previously requesting information on the designated person and their property from public authorities and developing a report recommending to the Minister of Finance to freeze the funds of the designated terrorist) [Article 9]
- APML supervises the implementation of this Law.

**Serbian legislation is largely aligned with the *acquis* in the area of freezing, confiscation and management of criminal assets.**

The Republic of Serbia legal framework for the area of freezing, confiscation and management of criminal assets in competence of Ministry of Justice consists of: the Law on seizure and confiscation of proceeds of crime, the Criminal Code, the Criminal Procedure Code, the Law on organization and jurisdiction of governmental authorities in suppression of organized crime, corruption and other particularly serious criminal offences, the Law on the liability of legal entities for criminal offences and the Law on the enforcement of prison sentences for criminal offences of organized crime.

**Serbian legislation is largely aligned with the *acquis* in the area of anti-money laundering.**

Serbia criminalized money laundering in Article 231 of its Criminal Code in line with international standards. Serbian AML/CFT system adopted the *all-crimes approach*, meaning that all proceeds generating crimes are considered predicate offences to the money laundering crime. It has a Law on Seizure/Confiscation of Proceeds from Crime in place. It also has in place a Law on the Responsibility of Legal Entities for Criminal Offences.

Preventive anti-money laundering and countering the financing of terrorism (AML/CFT) provisions are contained in the 2009 Law on the Prevention of Money Laundering and the Financing of Terrorism (AML/CFT Law). Serbian AML/CFT legislation transposes the relevant European Union AML/CFT legislation, including the Third Anti-Money Laundering Directive (CDD measures, risk-based approach, cash payment ban over EUR 15,000, etc.).

Serbia has an institutional AML/CFT framework in place. It established the FIU and has an advanced interagency and international (FIU-to-FIU) cooperation and information exchange.

Serbia is a member of the Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (MoneyVal).

Serbia has developed the ML and TF National Risk Assessments (in 2012 and 2014 respectively) in compliance with FATF Recommendation 1, and adopted a 2015-2019 National Strategy



Against Money Laundering and Terrorism Financing and its Action Plan on 31 December 2014 (National AML/CFT Strategy). The National AML/CFT Strategy provides for measures for the level of *policy, cooperation and coordination; prevention; suppression; and training.*

Serbia has worked on increasing the level of reporting from certain sectors, as also suggested by the European Commission. In particular, the APML, as the supervisor for accountants and auditors, conducts onsite and offsite supervision of these obliged entities. This resulted in an increase in 2014 in the number of suspicious transaction reports from accounting and auditing services providers (7 and 1 STRs respectively) in 2014.

In terms of ML prosecutions and convictions, the APML statistics [collected from Higher Courts and Republic Public Prosecutor's Office and collated] for 2014 show as follows:

2014								
	Indictments	Convictions	Final convictions	Plea bargains	Dismissals of charges	Termination of procedure	Acquittals	Final acquittals
Cases	6	3	0	1	4	1	1	1
Persons	8	11	0	22	9	1	1	1

There are currently around 40 money laundering cases pending before competent Serbian courts. Since the criminalisation of the ML offence, a total of final 15 convictions against 19 persons were passed plus 1 case involving several dozen charged persons where 22 individuals pleaded guilty on ML charges.

Regular trainings and capacity building is organised and delivered. A major EU IPA 2010 MOLI-Serbia project helped further increase the capacities of the entire system at all levels (legislative, institutional, operational).

APML is preparing a proposal for actions under IPA 2015 to enhance APML core functions (analytical capabilities) and the quality of STRs received.

Republic of Serbia is the part of the UNTOC (Palermo) Convention of the United Nations. Law on Ratification of the UN Convention against transnational Organized Crime and its Protocols ("Official Gazette of the FRY - International Treaties", No. 6/01).

## **Institutional framework**

**When it comes to Institutional framework**, in October 2014 a complex change management process was initiated within the Ministry of the Interior, in order to address the importance of changing the organizational culture of the Ministry, improve and deliver better quality specialization and training for police servants similar to one in Public Prosecutor's office, improve the Human resource management system and point out professionalism as the only criteria for advantage within police service.

This process will be conducted together with the New Law on Police, which was drafted at the beginning of 2015. The document went through the process of public consultations, and it is expected to be adopted by the end of June 2015. at the latest. The new Law will give new legal framework for all changes that will put in place in next period of time, when we speak about Ministry of the Interior reform process.

The reform has been sequenced to take place in several steps, i.e. phases. The first phase commenced in October 2014 and should be complete by June 2015. The primary focus on this phase is to establish a new organizational and functional model for the MOI HQ, primarily by establishing two new strategic sector level organizational units, the first dealing with EU integration, international cooperation and development and the second dealing with Human Resources Management. Minor changes are planned to take place in other HQ sectors, as a result of the creation of these two new sectors, but also other requirements. Completion of these organizational changes will take place by June 2015. In addition, organizational restructuring will include a reduction in the administrative decision making layers, but eliminating some layers of management which were outdated and no longer functional.

The second phase of the reform is planned to commence to commence September 2015, after the new Law on Police has been adopted, thus allowing more significant changes to take place. This phase will involve organizational and functional changes within the Police Directorate, as well as any necessary revisions from phase one involving the MOI HQ.

The most significant changes will include the clear distinction between civil servants and police officers, a new and just salary and reward system integrated closer to the central public administration agenda, a modern Human Resources function including internal recruitment, career development and better quality training with emphasis on management and leadership.

Last but not least the changes focus on improved internal control mechanism, including internal audit, at Ministerial level, all in full recognition of recommendations received from our strategic partners, including the OSCE and the European Commission. This phase will take approximately 3-4 months to complete at the HQ level of the Police Directorate.

**Regarding Professionalism within police force in Republic of Serbia**, Twinning project “Modern concept of Human Resources Management in the Ministry of the Interior of the Republic of Serbia” is being implemented in the MOI since February 2014. This project is joint venture of Republic of Serbia, and consortium of United Kingdom and Republic of Poland. Project will last up to February 2016.

MoI has already started to conduct reform of human resources management within the ministry, and this project supports that cause. Overall objective of project is strengthening institutions in the area of justice, freedom and security in line with EU acquis through police reform and migration management, while purpose of this project is to develop overall institutional capacity to manage the HR system effectively and efficiently.

The project is designed in order to facilitate the necessary development of the administrative capacity of the Serbian Ministry of Interior to manage Human Resources more effectively.

Mandatory results of this project are to have all required legal framework and procedures for the functioning of a modern HRM adopted and implemented, modern HR Sector established and supported in line with HRM strategic documents in order to unite human resources function, and to have modern HRM procedures and practices promoted and implemented throughout the Ministry and Police Service, in line with the IIP international standard.

MoI developed “Strategy of development of human resources in MOI 2014 - 2016”, and this document was been adopted in October 2014. Since that, major work on twinning project has started.

Organizational structure for the new Sector of human resources was created with twinning partner. This new Sector will include all modern functions of human resources within the MoI. It is expected that new sector will be established in the next couple of weeks.

Also, in cooperation with twinning partner basic competency framework is being developed (behavioral competencies), for three levels of management and practitioners in the MoI. Work on this framework has been completed, and at this moment it is in a process of verification. This framework is prerequisite for a new model of career promotion and development system, which is currently being developed in the MoI, and this was also done with cooperation with twinning partners.

Job description template has being done in cooperation with twinning partners, job description for future heads of departments within the future Human Resources Sector was finished, and in the next couple of weeks, after verification of basic competency framework, this work will continue - firstly on all job description for the new sector, and after for Police Directorate Headquarters and other organizational units in the headquarters of the Ministry. This will enable recognition of technical competencies for all job positions in MoI. Completing of this activity will enable

finalization on the new model of career promotion and development system and on performance appraisal.

At the same time, defining processes within the new Human Resources Sector has also been worked on, and in the next couple of months it is planned to finish work on operating model of Sector and to finalize work processes and new internal procedures.

Department for Human Resources gave suggestions regarding future regulative framework of new united Human Resources function for the draft of new Law of police, and commenced work on bylaws which will provide support for new processes. Those activities will provide legislative and regulatory framework for all processes within the new Human Resources Sector.

Twinning partners also conducted several workshops for future employees of Human Resources Sector on subject of recruitment and selection, organizational structure and ranks, competency framework, HR metrics and career development.

**The institutions responsible for the fight against organized crime** are the Department for Combating Organized Crime in the Ministry of Internal Affairs of the Republic of Serbia, the Prosecutor's Office for Organized Crime and the Special departments in the High Court in Belgrade and the Appellate Court in Belgrade.

The detection and investigation of organized crime is in the jurisdiction of the Ministry of Interior, the Department for Combating Organized Crime, but also other state organs such as the Security Intelligence Agency, Military Security Agency, customs and tax authorities and other state authorities.

The criminal prosecution for organized crime is within the competence the Prosecutor's Office for Organized Crime (POOC) and for the trial in the first instance is competent Higher Court in Belgrade (Special Department) and for trial in the second instance is competent Appellate Court in Belgrade (Special department). The jurisdiction of the mentioned authorities in combating organized crime refers to the entire territory of the Republic of Serbia.

In the new Criminal Procedure Code (introduced in 2012) the public prosecutor is in charge of in pre-trial investigation and investigation. He manages the pre-trial proceedings, and the investigation is initiated by the order of the public prosecutor.

The procedure for seizing and confiscation of proceeds from crime includes financial investigation, seizure and asset management of the proceeds from crime of natural and legal persons. Responsible for financial investigations are the Financial Investigation Unit in the Ministry of Internal Affairs and the Prosecutor's Office for Organized Crime. In accordance with the Law on Seizure and Confiscation of the Proceeds from Crime after conducting financial

investigations it is possible to carry out the temporary and permanent confiscation of assets derived from crime on the basis of the court's decisions.

A financial investigation is initiated by the order of the prosecutor who is also managing the financial investigation. In almost every organized crime case initiated by the Prosecutor's Office for Organized crime financial investigations are conducted in parallel with criminal investigations. However, there is also a need to involve Financial Investigation Unit of the Ministry of Interior in all preliminary investigations in order to be more proactive and efficient. Inter-agency cooperation in combating organized crime between different state organs takes place on the basis of existing legal provisions. However, inter-agency cooperation will be improved if a platform for communication will be established between the different agencies and automated exchange of data on perpetrators of organized crime criminal offenses will be possible.

**We estimate that we have (4,6) policemen per 1.000 inhabitants**, bearing in mind that at this moment the number of employed policemen holding status OSL (police officer vested with police powers) and UOSL (uniformed police officer vested with police powers) is 33.387 it pertains to operational and strategic level in the entire Ministry of Interior of the Republic of Serbia while the population of the Republic of Serbia (without AP KiM) according to official count of the population/ census conducted in 2011 was 7.186.862.inhabitants.

## **Training**

The Ministry of Interior for the purpose of professional development and training of its employees conducts basic police training, specialized training and ongoing training. These activities fall within the scope of the Directorate of Police Education, Professional Development, Training and Science, whose main strategic orientation is the following:

- To program, plan and implement training according to the stated training needs of the organizational units of the Ministry.

- To deal with the constant improvement of the quality of training, and the development of active and effective cooperation with legitimate subjects at the national and international level.

There are two centers within the Directorate: Centre for Basic Police Training Centre, and Center for specialized training and professional development of the police.

The basic police training is implemented in the Basic Police Training Centre in Sremska Kamenica. The training lasts for 12 months and is carried out in accordance with the principles of andragogy. The aim of basic police training is to train students to competently perform basic police duties in accordance with laws and other regulations and enactments of the Republic of

Serbia, as well as international treaties and conventions adopted by the Republic of Serbia, as well as standards of police conduct.

Specialized training is implemented at the Center for specialized training and training of the police, with headquarters in Belgrade. Within the Center for specialized training and professional development of the police there are 4 training centers: training center "Avala" and "Makis", in Belgrade, "Mitrovo polje" in the municipality of Aleksandrovac and "Kula" in Kula municipality. The aim of the specialized training is to train police officers to perform specialized police tasks, such as combating various types of crime, control and regulation of traffic, protection of the state border, the maintenance of public order and peace, the fight against organized crime, the fight against terrorism, and more. The major tasks in the area of specialized training are: defining the type and level of specialized training in the Ministry of Labour, the integration and coordination of all the requirements and needs for specialized training, development of modern curricula, developing standards of specialized training, developing the capacity to conduct training. The Centre creates and implements training according to the stated training needs of organizational units of the Ministry of the Interior. Due to the increasing need for specialists training, type and content of training, the necessary conditions and material and technical resources, training is planned and implemented using own and / or resources of other lines of work in the Ministry. Based on the above reasons, there is a real need to expand the existing capacities.

Both Basic and Specialized training are implemented on the basis of appropriate training programs that focus on pre-determined outcomes - concrete and measurable learning outcomes. Management develops and implements training programs, in order to provide training that develops the competencies of students in the field of knowledge, skills and attitudes, i.e. the training, which has theoretical and practical value, in order to ensure compliance with the standards from one generation to another.

In addition to the curriculum of vocational training of students of basic police training, there are 43 specialized training programs, listed in the catalogue of specialized training programs. Based on the mentioned programs, the appropriate courses and trainings are implemented, such as for example: Basic course for preventing and combating crime, Basic course for expert identification of plates on motor vehicles for the needs of the Crime Police Directorate-National Crime Center, Specialized course for the fight against human trafficking, Training for treatment in detection and deactivation of illegal laboratories for the production of psychoactive substances, and others. Also, the program of professional training of police officers, which enables continuous development, is adopted on an annual basis. Based on the Program, different types of seminars in line with the educational needs of organizational units of the MoI, as well as other organizational forms in the domain of development of knowledge, skills and attitudes of police officers are implemented.

In order to achieve continuous development and following of trends in education and training of the police Directorate for Police Education, Professional Development, Training and Science realizes various forms of cooperation with international organizations and institutions, perceives the need for international cooperation in the field of vocational education and training, and acts in accordance with them.

In this regard, the partners with whom the Directorate has cooperated since its beginnings are numerous: the Organization for Security and Cooperation in Europe - Mission in Serbia, the Council of Europe, the British Council, the Foundation "Hanns Seidel", the European Police College (CEPOL), the Geneva Centre for Democratic Control of Armed Forces (DCAF), the United Nations Office on Drugs and Crime (UNODC), the Kingdom of Norway, the Kingdom of Sweden, German Embassy in Belgrade, SEPCA and UNDP / SEESAC, Embassy of the United States of America, International Programme Criminal Investigative Training Assistance Ministry of Justice of the United States ( ICITAP), and others.

When it comes to training and cooperation with CEPOL, after March 2014, when CEPOL's officials had been on a fact-finding mission to the Ministry of Interior of the Republic of Serbia, CEPOL's Governing Board officially authorized CEPOL to negotiate a Working Arrangement with Serbia, and the Draft of the agreement was made. According to the latest updated version of the Action plan for Chapter 24 of the EU accession negotiations, the signing of the Working Arrangement with CEPOL has been planned for June 2015.

National Contact Point for the cooperation with CEPOL has been nominated, and she is an employee of the Directorate for Police Education, Training, Professional Development and Science, having in mind the fact that this Directorate will be the competent authority and training partner for implementation of the agreement with CEPOL.

Up to now, Serbia responded to CEPOL's invitations for participation in courses, seminars, and webinars on various subjects related to policing. Ministry of Interior participated in CEPOL's European Police Exchange Programme (EPEP) last year with as many as eight participants. The topics of the exchanges were the following: cocaine and heroin trafficking, EU cooperation, illegal migrations, law enforcement techniques, police training. Also, concerning organized crime, last year one representative of the MoI participated in the EU Seminar – criminal links in the Western Balkans.

**When it comes to specialization of Public Prosecutor's Office and the Police**, the intention of the Republic of Serbia is to have specialized organizational units that refers to different types of criminal acts.

Within the public prosecution office of the Republic of Serbia there is a specialization for certain types of crime relevant for Organized Crime. First of all, there is the Prosecution Office for Organized Crime, competent for prosecution of organized crime, serious and high corruption,

terrorism, money laundering and other offences stipulated by the Law on Organization and Jurisdiction of Government Authorities in Suppression of Organized Crime. In addition to this specialization, within the public prosecution office of the Republic of Serbia there is also specialisation for prosecution of trafficking in human beings. There is also a specialisation for cyber-crime. Finally, the draft Strategy for Investigations of Financial Crime stipulates specialization within public prosecution office of the Republic of Serbia for investigations of financial crime, which is also an issue under Chapter 23, along with the anti-corruption specialisation.

### **Specialization for Organized crime - Prosecutor's Office for Organized crime**

#### Specialization and mandate

In line with the Law on Organization and Jurisdiction of Government Authorities in Suppression of Organized Crime, Corruption and Other Severe Criminal Offences that came into force on January 1, 2010, as well as with its amendments from 2013, the Prosecution Office for Organized Crime is competent to proceed in connection with criminal offences of **organized crime**, terrorism, money laundering, high and serious corruption, and other offences stipulated by this Law. Unlike prosecutor's offices of general competence, the Public Prosecutor for Organized Crime acts before the competent courts of first as well as the second instance.

#### Capacity

The new responsibilities given to the Serbian prosecution in the new Criminal Procedure Code and the emergence of new forms of complex organized crime, terrorism and high-level corruption cases require a rigorous and timely exchange of data between the relevant institutions at both national and international level. The resulting additional workload for the POOC staff needs an increase in both financial and human resources as well as a modern information and case management IT system (CMS) to conduct efficient investigations.

**STAFF:** The Prosecutor's Office for Organized Crime has a total of 66 employees: the Prosecutor for Organized Crime, 18 Deputy Prosecutors, 19 assistants of the prosecutors and 28 administrative and technical staff. Although organizational capacity is provided for 25 deputy prosecutors, 7 positions are not fulfilled, due to lack of budget. The current number of employees is not sufficient to conduct its activities, especially having in mind complexity of organized crime cases.

**TRAINING:** In the reporting period prosecutor for organized crime and deputy prosecutors as well as prosecutorial associates appeared in the role of keynote speakers or participants in 33 educational events covering following topics: implementation of the Criminal Procedure Code, representations of the indictment before the court, using of expert witnesses, undercover agents, financial investigations, money laundering, mutual legal assistance in criminal matters, witness protection, forensics of mobile phones, in the field of anticorruption policies and fight against economic crime – forensic accounting, tax evasion, abuses in the public procurement procedures, in privatization, bankruptcy processes, banking business, abuses on stock market, use of EU



funds, etc. However, continuous education on specific topics related to organized crime remains one of strategic activities of the POOC.

EQUIPMENT: As for equipment, the POOC can be said to be at an intermediate level. The POOC is currently using MEGA Libra case management system, which was introduced in 2004 but this system is out of maintenance since 2009. This system has a number of failings: It does not provide any functions to search content in documents; It has poor possibilities for statistical/track records reporting and no possibilities for analytical work; it is not interoperable with other institutions' databases; in general the OS software is obsolete.

Therefore, POOC, with the OSCE Mission's support, started in January 2014 implementation of the project<sup>1</sup> with the aim to improve capacities of the POOC for conducting investigation in more efficient manner by introducing highly efficient and specialized case management and information system SIDDA/SIDNA, adjusted to Serbian legal framework and practice, as well as through promotion of regional and domestic exchange of data and evidences. Development of the case management system of the POOC is underway, as 30% of its funding has been secured, while the remaining 70% of funding still needs to be raised by the Ministry of Justice from international development assistance/donations.

Within the a-m project were continued activities aimed at making technical adjustments to the system. So far two modules and one sub-module of the system were adapted to Serbian legal environment and practice – Protocol (recording, in structured mode, of all documents incoming/outgoing from the POOC), Protocol of Classified Documents (similar purpose as Protocol but, besides recording, it is used for preparation of classified documents, its storage, keeping records and statistics) and Data Search. These modules were installed and employees of the POOC were train to use it. Implementation of these modules is in a preliminary phase, and its full implementation is expected as of June 2015. Six additional modules remain to be developed through this project in upcoming year.

POOC's information and communication system is planned to be used for the monitoring of cases, making statistics of the Prosecutor's Office and preservation of documents, as well as for analytical processing of all records contained in the documents of the prosecution case. This case management and information system will be developed *in line with standards envisaged by Eurojust Decision and Data Protection Rules*. It is also planned to make POOC's case management and IT system in future *interoperable with data bases of other institutions involved in fight against organized crime*. At an advanced stage such case management and information system of high performance can be a gateway for exchanging data with other countries with the objective of having an integrated system of information exchange in the region and Eurojust in the longer term.

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<sup>1</sup> “*Improving the Special Prosecutor's Office for Organized Crime capacities to conduct efficient investigations through the use of a highly efficient case management system and enhanced regional cooperation*”

Introducing case management system to Serbian Prosecutor's Office for Organized Crime would facilitate future exchange of information with Member States and Eurojust, compliance with data protection rules and setting preconditions for application of E-POC IV<sup>2</sup> as soon as Serbia finishes negotiating cooperation agreement with Eurojust. By applying the software for case management system which would be interoperable with Eurojust CMS software, Serbia and its institution dealing with prosecution of most serious crimes and organized crime cases, i.e. the POOC, would make step forward in compliance with EU data protection standards as well as prepare its institutions to undertake new responsibilities and obligations once when full membership in EUROJUST is assured.

### **specialization for trafficking in human beings**

In 2012, within the Public Prosecutor's Office Republic of Serbia a specialization was conducted for prosecution of human trafficking, by appointing prosecutors as contact points for human trafficking cases in all Higher public prosecutor's offices in Serbia, who act and coordinate the work in human trafficking cases, and who were subsequently provided with a series of continued specialised training on this subject (3 training courses from 2012-2013 organized by French Embassy, ASTRA and IPA 2010 project "Fighting Organized Crime and Corruption: Strengthening Prosecutor's Network", and subsequent courses and conferences organized by Slovenian Ministry of Justice, UNODC, OSCE, etc).

Furthermore, in 2012 and 2013, the Republic Public Prosecutor's Office, signed the Memorandum of Understanding with the NGOs ASTRA and ATINA, who provide support and legal representation to the victims of human trafficking, which stipulates the exchange information on human trafficking cases and paying special attention to improvement of rights of the human trafficking victims in criminal proceedings. The MOUs with the relevant NGOs help to enhance procedural efficiency in the human trafficking cases, with consistent respect of the victims' rights.

The experience so far in practice shows that specialisation is a very efficient tool for improving prosecution, as public prosecutors can apply in the proceedings the knowledge acquired during the training, mutually exchange experience and better cooperate with other actors from governmental and non-governmental sector.

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<sup>2</sup> Recognising the importance of IT in European cooperation against serious crime, the **E-POC software was introduced in 2004 as the EUROJUST Case Management System** and it remains **gateway to exchange data between Member States and with Eurojust**.

**E-POC IV**, introduced in 2010, is the latest project aiming at improvement of existing CMS used by Eurojust. It aims to evolve the E-POC software in order to connect to diverse case management systems used at the national level, to coordinate further evolution of the system and to support the experimental exchange of general information among partner countries, but also to promote the use of the E-POC software in non-partner countries.

### **specialization for high-tech crime**

Special Prosecutor's Office for High-tech crime was established by the Law on organization and competence of government authorities for fight against high-tech crime as of 25th of July 2005. In line with the Law on amendments of the said Law, that entered into force on 1st of January 2010, prosecution of perpetrators of criminal acts against safety of computer data, as well as perpetrators of criminal acts against intellectual property, property, commerce and legal communication, where object or means of committing the crime are computers, computer systems, computer networks and computer data, as well as their derivatives in material or electronic form, if number of copies of author products exceeds 2.000 or caused material damage exceeds amount of RSD 1 000 000 is within the competence of the Special prosecution office.

This prosecution office is also competent for prosecuting cases of criminal acts against freedom and rights of man and citizen, sexual freedom, public order and Constitutional structure and security of the Republic of Serbia, which based on the method of committing or used means can be considered as offences of high-tech crime. Regarding the territorial jurisdiction, the Special prosecution office is competent for prosecuting perpetrators of this type of offences at the whole Republic of Serbia territory. So, the jurisdiction and mandate of this Prosecutor's Office is clearly envisaged by the Law.

It is necessary to underline that Special Prosecutor for High-tech crime, as a representative of the Republic of Serbia, has continued his participation in work of the T-CY Committee of the Council of Europe Convention on Cybercrime CETS 185 composed of competent representatives of countries that ratified the Convention, as elected member of the Bureau – managing body of the T-CY Committee.

Along with the Special Prosecutor, two Deputy Public Prosecutors and three prosecutorial assistants are conducting the high-tech crime cases. Two administrative workers are employed in the registry office. However, the number of deputy public prosecutors who are in charge for this type of cases is not sufficient, as is the case with the administrative staff.

The level of specialization is on a very high level. Special Prosecutor and his deputies participated as lecturers and trainers in several events in country and abroad.

Prosecution continued cooperation with B92 Fund on Project "Click safely" Center for Safe Internet according to the Memoranda of Understanding signed in 2013. In organization of Ministry of Trade, Tourism and Telecommunications which is one of the B92 Fund partners in this project, National conference on child safety on the Internet with regards to grooming, child pornography, ways of protection on Internet, etc. was held in Belgrade on December 10, 2014. Also, within this project, on February 20, 2015 "Safer internet day" debate was organized in

Belgrade, regarding publishing of sexually explicit materials on Internet by the minors. On both occasions Special Prosecutor participated as a speaker.

This Prosecutor's Office is primarily cooperating with the MoI, Department for High-tech crime. Legal basis for cooperation between police and prosecution and other relevant bodies is envisaged by the Criminal Procedure Code. According to Article 44 Par. 1 all authorities participating in the pre-investigation proceedings are required to notify the competent public prosecutor of all actions taken with the aim of detecting a criminal offence and locating a suspect. The police and other public authorities responsible for discovering criminal offences are required to comply with every request of the competent public prosecutor.

Cooperation with all relevant institutions and data exchange are on a high level. Furthermore, signing of the Memoranda on Cooperation between police and public prosecution is envisaged by the Action Plan for Chapter 23 for III quarter of 2015.

Within Criminal Police Directorate, there are specialized Services:

- Service for combating organized crime (Department for drugs smuggling suppression, Dept. for financial organized crime suppression, Dept. for classic organized crime suppression, Dept. for high-tech crime suppression, Unit for financial investigations)
- Service for drug addiction prevention and drugs smuggling suppression
- Service for Combating Terrorism and Extremism

Service for Combating Terrorism and Extremism was established in December 2013 within Criminal Police Directorate of Ministry of Interior of Republic of Serbia, as a specialized unit which acts upon orders of Prosecutor for Organized Crime in order to collect evidences and successfully prosecute persons dealing with terrorism and extremism. Also Service is dealing with identification and collection of all knowledge on activities of members of extreme religious, ideological and ethnic groups and movements, clarification of rolls of Serbian radical Islamists in preparation of their participation in terrorist activities and announcements of terrorist activities in Republic of Serbia and abroad, administrative measures and criminal files against persons related to terrorism and extremism.

Within the Service for Crime Suppression, the two Departments:

- Department for Economic Crime Suppression, and there are four Sections:
  - Section for Economic Crime Suppression in production, environmental protection and research of fire damage and accidents
  - Section for Economic Crime Suppression in the area of internal freight traffic, catering, tourism and non-economic activities and services,
  - Section for Economic Crime Suppression in the area of finance, other financial flows and

money counterfeiting,

Section for Economic Crime Suppression in fraud in business operations and intellectual property.

- Department for general crime suppression and there are five Sections:

Section for suppression of blood and sex related crimes

Section for suppression of property crimes

Section prevention and suppression of drug related crimes

Section for warrants and operative supervision of prisons

Section for prevention and suppression of juvenile delinquency

Border Police Directorate has a Section for Combating Illegal Migration and trafficking in human beings, and there are also units for combating cross-border crime, illegal migration and human trafficking in seven Regional Centers of Border Police who were operating alongside neighboring countries (Hungary, Romania, Bulgaria, "the former Yugoslav The Republic of Macedonia ", Montenegro, Bosnia and Herzegovina and Croatia) as well as police stations at the airports in Belgrade and Nis. Border police and currently performs tasks of national coordination in the fight against human trafficking through the coordinators for the fight against human trafficking .

Also in each regional police department, which has a total of 27, there are departments and sections specialized for combating illegal migration and human trafficking.

**Regarding the cooperation with EUROPOL**, in January 2014, the Republic of Serbia signed the Operational Cooperation Agreement with Europol and its accompanying Memorandum of Understanding, which came into force in June 2014. From June 2014 until 11.05.2015 (the date this report was drawn), a total of 2,893 messages were exchanged through the National Unit of Europol between the Serbian police on one side and Europol and EU member states on the other. Of this number, 2,129 were received and 764 were sent. The procedure for conclusion of working arrangements is underway for joining Europol analysis working groups.

A liaison officer has not been detached to the Hague yet. According to the third version of the draft Action Plan for Chapter 24, which was sent to EC for consideration on 8 May, the deadline for assigning a liaison officer is December 2015 (please see activity 6.1.1.6).

**Serbia has already started to take measures to support victims of crimes in general.** The OSCE Mission in Serbia provided support to the establishment of the Victim Witness Support Services at Higher Courts in Serbia, while the UK Embassy in Belgrade supported, as a pilot-project, the establishment of Victim Witness Support Services at Public Prosecutor's Office, with a prospect to expand the project to include also other major towns in Serbia. Within this project, the Victim and Witness Information Service at the Higher Public Prosecutor's Office in Belgrade started working on April 10, 2014.

The purpose of establishing this Service was provide victims and witnesses, as early as the prosecutor's investigation starts (i.e. before the trial), the information on their rights and obligations and the ways to enforce them, as well as information on available support services by CSOs and government institutions, in order to help them overcome the consequences of crime and enable them to constructively participate in criminal proceedings, which would then increase efficiency and quality of criminal proceedings.

For this purpose, the Victim and Witness Information Service at Higher Prosecutor's Office in Belgrade provided a separate phone-line and e-mail address and published leaflets which are handed to victims/witnesses together with a call to testify, containing the information on the Service and on basic rights and obligations of injured parties and witnesses in criminal proceedings. One of the key partners in this project is the Victimology Society of Serbia, with whom the Republic Prosecutor's Office signed the Memorandum of understanding on 20 February 2015, which enables mutual victims' referrals. However, no such service exists in investigation phase of the organised crime cases and the plans for developing Victim Witness Support Services also at the Organised Crime Prosecutor's Office should be developed.

While these projects are a good starting point, a comprehensive analysis is needed to assess gaps and needs in the field of witness and victim support during all stages of criminal proceeding. The expert analysis from the fact-finding mission on Chapter 23 - war crimes, for, dated 13.03.2015, has shown that the Victim Witness Support Service at Special Departments of Belgrade Higher Court needs to get improved, including providing adequate staffing, training and equipment and developing joint working procedures with the prosecutor's office. Furthermore, the Victim Witness Support Services at the Organized Crime Prosecutor's Office should be developed, to enable providing victim/witness support also in investigation phase of the organised crime cases.

Within the Ministry of the Interior Republic of Serbia, Witness Protection Unit has been established in order to provide all necessary guarantees to persons who are in the witness protection program subjected to the Witness Protection Law. There are more than 50 persons under protection program in average. There is a good cooperation between all stakeholders in charge and it is improved constantly.

International cooperation in the field of protection of participants in criminal proceedings is an essential and fundamental prerequisite for the implementation of the Protection Program. International cooperation is based on the principle of reciprocity and mutuality, switching to the territory of other countries or the acceptance of persons involved in the program to protect other countries.

Bearing in mind the territorial size and population of the Republic of Serbia, international cooperation at regional and European level, is the basis in the work of the Protection Unit for the purpose of protection the participants in criminal proceedings. In this connection, the Protection Unit of the MUP Republic of Serbia has recently established contacts with all the witness protection unit in the region, Europe and beyond, with a view to redeployment or relocation and accept protected witnesses.

„Balkan“ Agreement on mutual cooperation and understanding of Witness protection units came into force in 2006 and the parties to this Agreement have been Montenegro, Bosnia and Herzegovina and Republic of Serbia, and the Agreement was signed in Washington DC, USA. In Skopje, R. Macedonia during 2007, this Agreement has joined by the witness protection unit from R. of Macedonia. During the maintenance of international symposium on the protection of witnesses in Lyon, France in 2008, and Republic of Bulgaria joined the aforementioned Agreement, and in November 2014 Romania joined the agreement. Over the last several years a witness protection unit from Albania has repeatedly expressed its wish to accede to the Balkan agreement bearing in mind that it is the operating agreement, which has recently made a number of positive results.

**Republic of Serbia has not yet established Asset recovery office (ARO).** It is necessary to further improve performance in financial investigations by strengthening the capacity of the competent authorities to conduct complex financial investigations in parallel with criminal investigations. The total level of seized assets acquired through criminal offences is still low. The institution of an Asset Recovery Office will facilitate an improvement in this field. Since tracing of assets is also connected to the international judicial cooperation in Serbia opts for an ARO with one or possible more components: the financial investigation unit in Ministry of Interior, the Directorate for the Management of Seized and Confiscated assets within Ministry of Justice or unit in other institution etc.

According the EU standards (Council decision no. 2007/845/JHA) and Action plan, recommendation 5. and 7. there is obligation to designate organizational unit/s that will perform the function of the ARO office in Serbia. During the last period, precisely from 14-15 march 2015, there was an expert mission organized by OSCE Mission in Serbia and MoI Serbia, with main goal to analyzed current state off play and needs assessment regarding establishing ARO in Republic of Serbia. The report is still drafting.

According to obligation to establish ARO there is also proposal of change organization structure of Financial investigation unit (FIU) within MoI which include establishing ARO office within FIU, Department of financial investigation of organized crime.

It is important to say that Republic of Serbia is the member of the CARIN group (observer status) and from the period October 2014-march 2015, FIU received 10 requests. There is also 2 Interpol request relating to asset recovery.

Beyond mentioned police cooperation, FIU carry out all financial investigation by the order of prosecutor office related with mutual legal request in area of asset recovery.

**When it comes to Police oversight in the Republic of Serbia**, this area is regulated by the Law on Police (Official Gazette RS, number 101/2005) article 170. – 181. Internal police oversight is performed by the Internal Affairs Sector. Internal Affairs Sector monitors the legality of police work, especially with regards to respect and protection of human rights while performing police tasks and applying police powers. Forms and methods of internal oversight of the police are more closely prescribed by the Minister. Internal Affairs Sector acts on suggestions, complaints and grievances of individuals and legal entities, on written requests by members of the police and on self-initiative or on information and other intelligence. The Minister oversees the work of the employees and the head of the Internal Affairs Sector as well as other employees of the Ministry responsible for police control. At the request of the Government and the working group of the National Assembly in charge of security and policing, the Minister submits report on the work of the Internal Affairs Sector.

Sector acts on the basis of:

- grievances submitted by individuals and legal entities or employees of the Ministry of Interior
- intelligence and other knowledge collected on its own initiative
- requirements from judiciary, state administration bodies, the Ombudsman, the Commissioner for information of public interest, etc

In the area of prevention, Internal Affairs Sector performs preventive controls of the organizational units of the MoI, according to previously prepared plan. After conducted control, report is submitted to the Cabinet of the Minister, with a proposal to determine measures of accountability and guidelines to improve process of work. Report is also communicated to the Police Directorate and controlled organizational unit to implement proposed measures and recommendations.

Complaint procedure:

Another method of police oversight is provided for in the Article 180 of the Police Law, referring to the complaints procedure. Rules of Complaint Procedure were adopted on the basis of these provisions. The Rules stipulate the complaints procedure against law enforcement



officers that are filed by individuals (complainants). To that effect, procedures governing data protection and recording, supervision and reporting are also provided for.

Everyone is entitled to submit a complaint to the Ministry or the Sector against a police officer if thinking that unlawful or improper action of the police officer violated his rights or freedoms. All complaints and grievances submitted to the Sector by citizens and legal entities, regardless of the status, rank and position of the police officer to whom they refer, are considered priority and processed immediately by performing all necessary checks and the complainants are informed about the determined status.

In the beginning of 2012, a special Sector's telephone line was installed in the Sector (011-3121-555) through which citizens can submit complaints against conduct of police officers and report corruption. The Internal Affairs Sector informs an applicant on the results of the conducted verification unless the report or complaint is anonymous.

Operational procedures are conducted on the basis of the Mandatory instruction on operational policing. If there are grounds for suspicion that a criminal offense was conducted, which is prosecuted ex officio, the criminal charges are submitted after mandatory consultation with the competent prosecutor and with his consent. The measure of covert audio and video surveillance of the suspect is applied by a specialized section of the Sector, which also covers the tasks and duties of special investigative methods.

Upon the requests and addresses of the prosecution, court, administrative bodies, the Ombudsman, the Commissioner for information of public importance, the Commissioner representing the Republic of Serbia at the European Court of Human Rights and other bodies, the actions are taken in due time with mandatory compliance with the deadlines and requirements contained in the submitted documents.

A number of departments and units exist within the General Police Directorate that have competence to control the legality of procedure of police officers within their organizational units:

- Unit for the control of legality of police work in City of Belgrade.
- Unit for the control of legality of police work uniformed police.
- Division for the control of legality of Police work within Gendarmerie.

Beside the above mentioned units, 27 Regional Directorates have staff that is authorized to control for the legality of police work in their directorates.

These units have competence to control the process of work and file proposals to determine disciplinary accountability. If there is suspicion that police officer committed criminal offence

which is charged ex officio, competent prosecutor will delegate unit within MoI that will conduct investigation.

### **Operational capacity**

**When it comes to operational capacities**, especially Prosecutor's Office and the Police, the Prosecutor's Office for Organized Crime has a total of 66 employees: the Prosecutor for Organized Crime, 18 Deputy Prosecutors, 19 assistants of the prosecutors and 28 administrative and technical staff. Although organizational capacity is provided for 25 deputy prosecutors, 7 positions are not fulfilled, due to lack of budget.

The current number of employees is not sufficient to conduct its activities, especially having in mind complexity of organized crime cases. The new responsibilities given to the Serbian prosecution and the emergence of new forms of complex organized crime and high-level corruption cases require a rigorous and timely exchange of data between the relevant institutions at both national and international level. The resulting additional workload for the POOC staff needs an increase in both financial and human resources as well as a modern information and case management IT system (CMS) to conduct efficient investigations.

As for equipment, the POOC can be said to be at an intermediate level. It is currently using MEGA Libra case management system, which was introduced in 2004 but this system is out of maintenance since 2009. This system has a number of failings: It does not provide any functions to search content in documents; It has poor possibilities for statistical/track records reporting and no possibilities for analytical work; In general the OS software is obsolete.

The improvement of the existing analytical-operational methods has been also recognized as a priority in the National Strategy for combating Organized Crime adopted in 2009 which has expired in 2014.

Therefore, POOC, with the OSCE Mission's support, started implementation of the project "Improving the Special Prosecutor's Office for Organized Crime capacities to conduct efficient investigations through the use of a highly efficient case management system and enhanced regional cooperation". The aim of this project is to improve capacities of the POOC for conducting investigation in more efficient manner by introducing highly efficient and specialized case management and information system SIDD/SIDNA, adjusted to Serbian legal framework and practice, as well as through promotion of regional and domestic exchange of data and evidences.

The case management system of the POOC, whose development is underway, as 30% of its funding has been secured, while the remaining 70% of funding still needs to be raised by the Ministry of Justice from international development assistance/ donations. It is planned to be used for the monitoring of cases, making statistics of the Prosecutor's Office and preservation of documents, as well as for analytical processing of all records contained in the documents of the

prosecution case. It offers also a business intelligence (BI) system that regular CMS does not provide. One of the major advantages of this system is the possibility to install a visual investigative analysis module which facilitates the analysis of complex criminal activities and the detection of links between cases. It is also planned to make POOC's case management and IT system in future interoperable with data bases of other institutions involved in fight against organized crime. At an advanced stage such case management and information system of high performance can be a gateway for exchanging data with other countries with the objective of having an integrated system of information exchange in the region and Eurojust in the longer term.

The Ministry of Interior, Police Directorate, Department for Combating Organized Crime (DCOC) has a total of 214 employees from 280 jobs and therefore a lack of capacity. This is caused by financial constraints.

The terms of recruitment are defined within the systematization of working positions of the MoI, where special focus is on working experience and education. Police officers recruited for Service for Combating Organized Crime are predominantly recruited internally, i.e. staff already working for the MoI or other state authorities (mostly law enforcement agencies). This method provides for a selection based on experience, competencies and merits.

Not only is the police lacking capacity in personnel, the organization also needs to overcome a fragmented approach on gathering and sharing information (including underlying IT needs). The fight on organized crime further demands more specialization to be realized through trainings and additional equipment. This specialization will necessarily lead to changes within the structure of the police organization, which are already being prepared.

**Regarding internal and external communication systems that are used within Ministry of the Interior,** in previous period MoI work on building capacities for electronic exchange of data and information with other state authorities, until now it is provided only via a network of state authorities as a special communications network, which covering territory of the Belgrade City, and based on using web services technology. The exchange of data and information is also carried out in other ways by applying all necessary measures of data and information protection (e.g. by using data an encryption system on removable media).

Further development of a safe platform for communicating between law enforcement bodies have to be directed to provide more efficient coordination and collaboration of all the authorities responsible for the effective operation in the fight against organized and other forms of crime.

Planned activities should performed in adjustment normative framework involves also simultaneous development of ICT infrastructure with respect to all safety standards and data protection. Bearing in mind that the ICT infrastructure should ensure the continuity of the work and a high degree of availability, it is necessary to plan and implement extra resources for the

purpose of overcoming failures in work, as well as apply appropriate standards applicable to the management of critical information infrastructures at EU level.

MOI Intranet network is the dominant network of all services used by the employees of all MOI's organizational units. The network extends within the state borders of the RS. According to the needs of the MOI's organizational units, intranet link-speed is necessary to be improved due to the increased number of applications being used, the IP telephony services planned to be implemented and the need to monitor video surveillance via intranet. Minimum link speed to the final location is supposed to be at least 2Mbps. It is essential to further develop information and communication infrastructure by establishing redundant links to the most important locations. So far, this idea has been realized only at some locations such as airport " Nikola Tesla " and certain regional police departments. Regardless of the aforesaid, it is also imperative to improve link speed at these locations as well.

#### *„3G cloud MUP-a RS“*

There is a growing need to use services transferring information and data via mobile devices, so possible solution could be implemented by establishing 3G / 4G / LTE cloud that would enable MOI's services to be available and operative outside of the MOI's estates, to have sufficiently high flow rate and appropriate level of protection, authentication, authorization and certification of users, as well as two-tier level of encryption of the communication channel for data transmission. In accordance with the ongoing development of Mobile Information System, the plan is to expand the System and to make data and information contained in the JIS records available by providing appropriate access, and all according to the expressed needs and priorities of the organizational units.

#### *MOI Extranet Network*

MOI Extranet network is a segment of the MOI intranet network that allows the exchange of services (data) among MOI's and external entities (state agencies, enterprises, individuals..) via a single access point – maximally protected extranet network.

In accordance with its remit, Ministry of the Interior has implemented certain services which can be accessed via eGovernment portal (<http://www.euprava.gov.rs/>)

#### *Secure Information exchange*

In line with the need to increase the security of highly confidential information and data exchange, data encryption is performed on removable-media that are sent to the other state bodies and institutions which due to the lack of technical capabilities are not able to establish a web service. Encryption of data provided to other state bodies is in accordance with legal obligations or an inter-agency agreement first introduced in 2012.

Extranet service used for Interpol databases cross-checks has been integrated into the "Border Control System of persons and vehicles" that enables persons, vehicles and travel documents to be checked by using automatic data readers - VDR readers or manual data enter. The system has been created on the platform partly implemented using EU pre-accession funds and bilateral donors' funds, and partly through own MOI's IT applicative development. Web services for automatic electronic entry/exit checks have been implemented at the airport "Nikola Tesla". Such application performs facial recognition to check passport documents and logging of (un)successful passes through an electronic gate (eGate).

This program allows searches and checks on persons and documents toward Interpol databases. The system is integrated, in terms of automatic downloading and updating of data on search on wanted persons, with the search software system that keeps records of all kinds of searches on persons.

As for secure communication line for exchange of data at international level (international police operational cooperation), a secure communication link was established through Europol network application for secure information exchange (SIENA) back in 2012. Regarding the number of exchanged information, please see Comment 15.

With the TAIEX support, a training was carried out for duty service of Serbian SPOC (Single Point of Contact – INTERPOL – EUROPOL – planned SIRENE bureau - SELEC- liaison officer) for work on Europol SIENA. Thus Serbian SIENA has become operational on a 24/7 basis.

Serbia carries out police cooperation, complying with INTERPOL standards when treating foreign law enforcement requests for information. A secure I-24/7 communication link is being used through which information is continuously exchanged, both with EU member states and with neighbouring countries.

**There is no national case management system for public prosecutor's offices in Serbia.** The Prosecutor's Office for Organized Crime has its own case management system (at the moment outdated MEGA Libra) and is trying to secure the remaining needed funds for a new one - specialized case management and information system SIDDA/SIDNA (please see more details in the Section 3. Institutional Framework, question on specialization). Other prosecutor's offices are in the process of obtaining SAPO data collection and management system. At the moment, 15 prosecutor's offices out of 90 received SAPO within IPA 2008 project, while SAPO roll-out to other prosecutor's offices is intended to be implemented within IPA 2012 project "Efficiency of Justice".

**Regarding risk analysis capacity in order to introduce the ILP model,** the MoI of the Republic of Serbia and the Swedish National Police Board are implementing a development project called "The Development of the ILP model in the MoI of the Republic of Serbia". As part of the project, a risk analysis course was delivered from 30.03 – 08.04.2015 for 12 participants

from the MoI where they had the opportunity to gain knowledge, skills and competencies necessary to conduct a risk analysis.

The project plans to establish a sustainable training system in this area. According to this plan, it is envisaged that, by the end of 2015, MoI employees will have participated in train-the-trainers courses, following which they will deliver risk analysis training to others and apply this type of analysis in practice. The Border Police Directorate conducts risk analyses that fall under the competence of their directorate and have established the Risk Analysis Unit within the Border police in February 2015.

**When it comes to operational cooperation between police, police, tax administration and customs services,** Tax Administration, Ministry of Internal Affairs and Customs Administration do not have mutual access to databases, but the exchange of data is done via “file transfer”, and The Ministry of Interior and the Ministry of Finance, Customs Administration, signed the "Agreement on cooperation between the Ministry of Finance, Customs Administration, and the Ministry of Interior" on 23.01.2015.

In addition to that, on 19.09.2014, the Ministry of Interior signed a protocol with the Ministry of Finance, "Instructions on the forms and ways of cooperation of the Tax Police Service and the Ministry of Interior on discovering tax crimes and their perpetrators."

Cooperation between Customs and Tax Administration takes place on the basis of applicable legal regulations. Instructions adopted in the framework of cooperation with other state bodies and institutions are:

Instruction on mutual cooperation between Tax Administration and Customs Administration for the prevention of economic subjects avoiding VAT/excise tax payment to a considerable extent and the improvement of fight against fraud; 27.9.2013.

Instruction on the exchange of information between Tax Administration and Customs Administration in order to implement customs and tax proceedings and strengthening of fight against tax fraud; 27.9.2013.

In accordance with the instructions of the Customs Administration and Tax Administration, contact points were appointed for the exchange of information and data relevant to the fight against tax fraud.

Furthermore, certain number of customs officers have limited access rights to use Tax Administration database (URTP Unique register of taxpayers) as well as software systems for indirect control of foreign exchange and foreign trade payment (CFP), while a certain number of

tax officers has limited access rights to the information system of the customs service of RS (ISCS).

In taking key actions in the fight against organized crime, Tax Administration - Tax Police Sector in the period October 2014 - April 2015, at the request of the Prosecutor's Office for Organized Crime, in cooperation with members of the Ministry of Internal Affairs, conducted checks of 7 cases. Of these, 4 checks are partially completed, and on the finalized activities reports were made in which the amount of evaded taxes is stated in the amount of RSD 249,226,893. Those reports were forwarded to the Prosecutor's Office for Organized Crime. According to one case that is partially completed, filed was a criminal charge because of reasonable suspicion of criminal offenses: unauthorized storage of goods under Article 176 and illicit trade in excise products under Article 176a of the Law on Tax Procedure and Tax Administration ("Off. Gazette of RS" No. 80/02, 84/02 - correction, 23/03 - correction, 70/03, 55/04, 61/05, 85/05 - other law, 62/06 - other law, 61/07, 20/09, 72/09 - other law, 53/10, 101/11, 2/12 - correction, 93/12, 47/13, 108/13, 68/14, 105/14), as well and the illicit manufacturing of Article 242 of the Criminal Code ("Off. Gazette of RS" No. 85/05, 88/05 - correction, 107/05 - correction, 72/09, 111/09, 121/12, 104/13, 108/14). On that occasion, confiscated was 21.6 tons of tobacco leaves, and three persons were arrested. They remanded in custody for up to 30 days. On the basis of 2 cases checks are carried out and actions are being undertaken in order to gather evidence of the tax crime.

MOI extranet network is the segment of MOI intranet network and is a technical and technological basis for maximum secure data (services) exchange between the Ministry of Interior and different state authorities (state agencies, enterprises, individuals, ... ) via a single access point- extranet. Extranet segment is contained both application and database servers used to deliver services and data exchange via electronic services. According our experience electronic data exchange is being performed between the Treasury, the Directorate for eGovernment, the Central Registry of Social Insurance, Republic Health Insurance Fund, the Association of Insurers, the Ministry of State Administration and Local Government, Republic Geodetic Authority, Tax Administration, the Ministry of Foreign Affairs, Business Registers Agency, Interpol, the Ministry of Defense, Communal police and PE "Roads of Serbia". The exchange is being implemented at different levels and degrees of process automation.

In order to increase the security and to introduce new services and functionalities, a domain on the extranet network should be introduced as one of the measures to increase safety and security and to improve ICT infrastructure introducing redundant system.

With reference to the above mentioned, the Action Plan related to Chapter 24, subchapter Police cooperation and organized crime, clearly defines EC recommendation No 6.2.2. Recommendation 2

Prepare for the establishment of a single centralized criminal intelligence system and a safe platform for communicating between law enforcement bodies. Ensure better connection of relevant databases (including an analysis of the costs, administrative resources, budget and training needs) and improve the collection of unified crime statistics

Regarding this activity, Initial workshop focused on assessment of capabilities for establishment of National Criminal Intelligence System in the Republic of Serbia was held in Belgrade in period 23-27 February 2015 in the premises of the Criminal Police Academy. The workshop was led by Italian expert Mr. Maurizio Varanese. Bearing in mind that establishment of the criminal intelligence system is a complex task which requires participation of several organizational units of the MOI and other competent authorities, the workshop was attended by representatives of Ministry of the Interior and other state authorities, Security Intelligence Agency, Military Intelligence Agency, Military Security Agency, Office of the National Security Council and Intelligence Protection, Customs Administration, Money Laundering Prevention Directorate, Tax Administration, Republic Public Prosecutor's Office, Prosecutors Office for Organized Crime, Ministry of Justice and representatives of OSCE Mission to Serbia and Swedish National Police Board representatives.

**Regarding the capacities for measuring of crime rate,** At the moment there are different national authorities conducting statistics on crime, National Statistics Institute, Ministry of Interior, Republic Public Prosecutor's Office, Supreme Court of Cassation, whose statistics is published in annual reports of these institutions.

There is no unified methodology of conducting statistics – while the Ministry of Interior calculates no. of crime cases (no. of events), the Republic Public Prosecutor's Office calculates no. of perpetrators. Defining the criteria for a unified methodology on statistics in organized crime would help monitor track record of successes in this area.

The joint records kept by Ministry of the Interior are contained data on criminal charges against known and NN perpetrators filed with the Public Prosecutor Office by police officers based on police authority. The records also contained all changes entered subsequently as a result of police work, including the information on criminal offenders after they had been registered as unknown perpetrators enabling police to statistically monitor and report changes on the number of reported crimes, crime rate, and the percentage of detected crimes committed by unidentified perpetrator. These electronic records containing previously entered data are centralized within the Joint Information System (JIS) and are used on the whole territory of the Republic of Serbia (all territorial organizational units of the Ministry of Interior).

The data contained in the automated records of the Ministry of Interior are statistically processed within the JIS and represented on a monthly and cumulative basis. The processed data from the JIS are used for daily needs - planning at operational and tactical levels, analytical monitoring and reviewing the problem of crime in certain areas and in general, in order to recognize current



trends and review the situation in this area, as well as to improve the work and plan activities in a more efficient way.

**Regarding the equipment that MoI RS and the police has at its disposal**, the general conclusion is that predominantly the equipment is out of date, that in some part of police we lack of IT equipment and vehicles, and the positive side is that we are currently in the process of replacing the old uniform for police officers with the new one after long period of time.

The Service for Combating Organized Crime is about to be moved to a new premises in Belgrade, where certain departments of this Service are already located. It is always useful to renew and enhance the existing equipment (IT and communication tools, vehicles, etc.) in the fight against organized crime. The purpose of this relocating is making positive conditions for efficient work, which was full of obstacles in previous period.

This Service includes Arrest Unit that requires good equipment. It lacks special detention facilities that are a part of Belgrade Police Administration.

The lifecycle of modern ICT systems is getting shorter so that the planning of development and application of modern ICT systems is continuous task in the work of the Ministry of Interior, particularly bearing in mind the EU standards and the regulatory framework which stipulates the directions of development of large Information systems at EU level (Art.15, DECISION 2007/533/JHA)

It is necessary to further improve the level of equipment, especially in the area of ICT infrastructure in order to facilitate access to / use of data and information contained in MOI JIS.

IT Directorate of the Sector for Analytics, Telecommunications and Information Technologies supports the development of ICT infrastructure, MOI information system and the business processes automation; the implementation of modern IC technologies in the daily work of all operational and organization units. It is planned that business processes become faster, more efficient, simpler and reliable by applying the standards on protection of IC and Telecommunications system, as well on data contained or transferred in/from the System, respecting all regulations on the protection of personal data processed by using modern technology.

There are necessary improvements that have to be made when The Witness Protection Unite staff and equipment are concerned and that has been covered by the Action Plan for Ch24

**Regarding the forensic expertise**, Serbia has a DNA database which is partially split between Police database, further, in public and private labs, but mostly in police (depends of the prosecutors or judge orders). Serbian Law on DNA register is ongoing to establish central database in police, only for the criminal cases. Public and private sector will have that opportunity later on too (to work, not to exchange), but it will establish central database

according to the Prum decisions (see subchapter "Police cooperation", 6.1.3. in AP for chapter 24).

Serbian police lab have DNA profiling capacity in the National forensic Center, they working with 12 ESS markers and have GEDNAP certificates for more than 6 years and established standard ISO 17025. DNA laboratory was accredited on August 2014 (and narcotic (chemical) labs in 5 different places in Serbia too), related to international standard ISO 17025. That means that the analysis of 7 loci included in the ESS (European Standard Set) is accredited too. Meanwhile, another 5 loci included in ESS were validated and they will be accredited after visit of Accreditation Body of Serbia in the end of May or beginning of Jun this year. Standard ISO 17025 is one of most important point according to 615 and 616 EU Decisions.

DNA laboratory passed successfully international GEDNAP proficiency tests for 2014.

Pre-draft of Law on DNA register is finished as proposal and All necessary EU documents are included within this draft.

**Regarding conducting of the financial investigations**, we can say that financial investigations are conducted in parallel to criminal investigations wherever possible. In the period from the August 2014 till April 2015 in two thirds of criminal investigations in organized crime cases initiated by the Prosecutor's Office for Organized Crime financial investigations were conducted in parallel with criminal investigations. However, there is also a need to involve Financial Investigation Unit of the Ministry of Interior in all preliminary investigations in order to be more proactive and efficient. In order to find assets, there is still need to strengthen capacities for identification of the proceeds from crime which were originally registered to the third persons who do not belong to the circle of the closest relatives of the accused. This principles will be further strengthened in the new Law on Amendments and Supplements to the Law on the Seizure and Confiscation of the Proceeds from Crime, as stipulated in the Action Plan for Chapter 24, sub-chapter "Organized Crime".

**Regarding the anti-money laundering capacity of the Republic of Serbia**, Serbian FIU (Administration for the Prevention of Money Laundering) was established in 2002. It has been a member of the Egmont Group of FIUs since 2003. It exchanges information with all relevant national authorities and foreign FIUs.

APML has access to following databases

*APML own databases (information sent by obliged entities based on Article 37 of AML/CFT Law):*

- Suspicious Transaction Reports (regardless of the amount)

- Cash Transaction Reports (EUR 15,000 and more)

*Other databases APML has direct (electronic) access to:*

- Foreign currency payment operations with foreign countries (National Bank of Serbia)
- Database of transportation of cash and bearer negotiable instruments across the state border (Customs Administration) [information on persons carrying EUR 10,000 or more across the state border]
- Part of the database of uniform customs documents (Customs Administration) [import/export of goods]
- Database of registered business entities (Business Registers Agency) [all statutory data companies are obliged to submit to the BRA, such as ownership and managing structure, company status, history of changes, and financial statements]
- Database of privatised public enterprises (Privatisation Agency) [details about the buyer, purchasing price and payment method, date of tender and contract and reasons for contract termination if relevant]

The following publicly available databases are also used:

- Unique register of active accounts held by legal entities [National Bank of Serbia website]
- WorldCheck
- Databases of wanted persons [Interpol website]
- List of designated persons [UN Security Council sanctions lists]

Information from the Ministry of Interior databases are obtained through written requests for information.

APML can send requests for information to any other authorities in case of suspicion on money laundering or terrorism financing.

APML can also request additional information from obliged entities; the replies arrive promptly and no later than 8 days from the date of the request, which is the deadline set by the AML/CFT Law. Requests are delivered and replies received quickly and securely using secure electronic connections.

Communication and exchange of information with foreign FIUs is conducted efficiently using the Egmont Group's secure website.

**When it comes to the seizure and the destruction of drugs, counterfeit goods etc,** seized drugs are stored at the premises of various police administrations. The plan is to build large warehouse space which is to be located within four largest police administrations in Serbia.

Destruction of seized drugs is carried out under the control of Commission established by the Government of the Republic of Serbia (09.04.2014) in which Customs Administration has its permanent representative. The destruction of psychoactive controlled substances is carried out in accordance with Regulation on the procedure for destruction of psychoactive controlled substances seized on the basis of decision of the competent authority ("Official Gazette of RS" No. 46/12 and 132/14). The destruction is done in thermal power plant in Obrenovac. Destruction of psychoactive controlled substances such as cocaine and amphetamine drugs is set to begin in fourth quarter of 2015. So far, only psychoactive controlled substances such as heroin, marijuana and hashish were destroyed, as well as smaller quantities of cannabis seeds and mixture to increase drug mass (paracetamol and caffeine).

**Table 1: Quantity, premises and date of destruction of seized psychoactive controlled substances**

No.	Substance and quantity	Premises before destruction	Court Decision	Date of destruction
1	Marijuana, 370.392,32 grams	Warehouse, Niš Police Administration	Court decision Su-VIII-156/14	17.11.2014
2	Heroin, 10.066,46 grams i 3 mililitars	Warehouse, Niš Police Administration	Court decision Su-VIII-156/14	17.11.2014
3	Hashish, 59,19 grams	Warehouse, Niš Police Administration	Court decision Su-VIII-156/14	17.11.2014
4	Marijuana, 175.729,55 grams	Warehouse, Kraljevo Police Administration	Court decision Su-VIII-289/2014	17.11.2014
5	Heroin, 9.036,02 grams	Warehouse, Kraljevo Police Administration	Court decision Su-VIII-289/2014	17.11.2014
6	Hashish, 1,47 grams	Warehouse, Kraljevo Police Administration	Court decision Su-VIII-289/2014	17.11.2014

<b>7</b>	Marijuana, 247.314,49 grams	Warehouse,  Kikinda Police Administration	Court decision Su-VIII- 45/14-1;  Court decision Su-VIII- 45/14-2;  Court decision Su I-1- 39/14;  Court decision Su-VIII- 45-2/14;  Court decision Su-VIII- 59/14	25.12.2014
<b>8</b>	Heroin, 55.559,72 grams	Warehouse,  Kikinda Police Administration	Rešenje Višeg suda u Subotici Su-VIII-45/14- 1;  Court decision Su-VIII- 45/14-2;  Court decision Su I-1- 39/14;  Court decision Su-VIII- 45-2/14;  Court decision Su-VIII- 59/14	25.12.2014
<b>9</b>	Hashish, 2,73 grams	Warehouse,  Kikinda Police Administration	Court decision Su-VIII- 45-2/14	25.12.2014
<b>10</b>	Marijuana, 84.260,813 grams	Warehouse,  Niš Police Administration	Court decision Su-VIII- 172/14-1	25.12.2014
<b>11</b>	Heroin, 26.981,16 grams	Warehouse,  Niš Police Administration	Court decision Su-VIII- 172/14-1	25.12.2014

<b>12</b>	Caffeine and paracetamol, 15.617,70 grams	Warehouse, Niš Police Administration	Court decision Su-VIII-172/14-1	25.12.2014
<b>13</b>	Hashish, 6,10 grams	Warehouse, Niš Police Administration	Court decision Su-VIII-172/14-1	25.12.2014
<b>14</b>	Canabis seed, 97 pieces	Warehouse, Niš Police Administration	Court decision Su-VIII-172/14-1	25.12.2014
<b>15</b>	Marijuana, 183.448,01 grams	Warehouse, Sremska Mitrovica Police Administration	Court decision SU VIII-VIII-2/2015	20.02.2015
<b>16</b>	Heroin, 185.735,43 grams	Warehouse, Sremska Mitrovica Police Administration	Court decision SU VIII-VIII-2/2015	20.02.2015
<b>17</b>	Marijuana, 308.162,32 grams	Warehouse, Ministry of Interior, Ripanj	Court decision Kv 161/2015; Kv 162/2015; Kv 163/2015; Kv 164/2015; Kv 165/2015; 166/2015; Kv 167/2015	02.04.2015
<b>18</b>	Heroin, 53.881,07 grams	Warehouse, Service for combating organized crime, Belgrade	Court decision Kv 933/2015; Kv 936/2015; Kv 928/2015; Kv 927/2015; Kv 932/2015; Kv 935/2015; Kv 931/2015; Kv 930/2015; Kv 934/2015; Kv 929/2015; Kv 168/2015	02.04.2015
<b>19</b>	Heroin, 25.122,48 grams	Warehouse, Jagodina Police Administration	Court decision SU-VIII br. 23/15	14.05.2015

20	Marijuana, 414.736, 78 grama	Warehouse, Jagodina Police Administration	Court decision SU-VIII br. 23/15	14.05.2015
21	Hashish, 1,127,16 grams	Warehouse, Jagodina Police Administration	Court decision SU-VIII br. 23/15	14.05.2015
22	Caffeine and paracetamol, 4.603,86 grama	Warehouse, Jagodina Police Administration	Court decision SU-VIII br. 23/15.	14.05.2015

Since the Commission for the Control of destruction of psychoactive controlled substances was established (Government of the Republic of Serbia) on 04.09.2014, the total destroyed quantity of psychoactive controlled substances is:

- **Marijuana: 1.793.044,283 grams;**
- **Heroin: 366.381,628 grams;**
- **Hashish: 1.196,650 grams;**
- **Caffeine and paracetamol: 20.221,56 grams;**
- **Canabis seed: 97 pieces.**

Goods found to infringe an intellectual property right shall be kept in the customs warehouses throughout Serbia. Destruction of goods infringing an intellectual property right shall be conducted under customs supervision committee, formed according to the decision of Director General of Customs Administration. The destruction is done with a special machine recently obtained within the IPA 2011 project "Enforcement of intellectual property right." The machine is located in the territory of customs office Krusevac.

**Regarding the secrecy of police investigation,** disclosure of confidential information laid down by law or regulation to unauthorized persons is sanctioned by Article 157 of the Police Act, as a grave breach of official duty, while Article 369 of the Criminal Code of the Republic of Serbia prescribes criminal offense - disclosure of official secrets.

Internal Affairs Sector, in the framework of its competencies, plans and implements preventive controls of work of the organizational units in the Ministry's headquarters and regional police directorates. A special segment of preventive controls includes control of keeping of documents

records that have a specified degree of confidentiality, safe keeping of records of documents and access to the aforementioned acts. After preventive control implementation, the Internal Affairs Sector prepares a report and proposes measures to eliminate observed illegalities in procedures as well as proposals to initiate proceedings to determine liability that are submitted to the Minister with the proposal that the Police Directorate and the organizational unit that was subject to the control are made aware of the report and proposed measures in order to implement the proposed measures and recommendations.

In the previous period, the police officers of the Internal Affairs Sector acting on operational information, complaints and grievances of citizens, submitted a greater number of criminal charges against police officers to the competent prosecutor's office for criminal act of official secret disclosing by abusing office. For example: an unauthorized access to information systems Unified information system and the Ministry of Interior's criminal records, in order to obtain, communicate and deliver specific information to an unauthorized person.

The aforementioned problem is twofold as the question is not precisely defined. There are two forms of the information outflow with the identical method of criminal act execution, but the recipients i.e. subjects differ:

1. The recipients of information who give financial compensation in return are persons from criminal milieu. The target group of the aforementioned category of persons (corruptors) is persons who possess data on application of special evidentiary actions. Having in mind that these actions are applied by the Directorate of Criminal Police and in irrelevant number by the Internal Affairs Sector, it is necessary to ensure protection of the system and implement identification and proving methodology in the case of information outflow.
2. The outflow of information without financial compensation is primarily directed to the media and other social entities. The problem in proving a criminal offense happens when the media refer to "journalistic secret" namely they are not required to submit information sources, so that the acts of proving could be done only by using special evidentiary actions, but the implementation of the aforementioned measures against journalists as subjects is not foreseen in the Code of Criminal Procedure. The aforementioned activity is always done through a mediator.

Please note the fact that even those who implement the special evidentiary actions may come across the information on committed criminal act of disclosing official secrets. The owner of the information on criminal act commission is the one who applies special evidentiary actions. All intelligence data submitted to the Internal Affairs Sector have been tested and implemented if there are indications of the criminal act commission.



In March 2015, the Ministry of Interior prepared a draft Law on records and data processing in the field of home affairs. Public debate on the draft Law ended in the end of April 2015, the final draft is being developed and will be adopted after the adoption of the Police Law. This Law will regulate collection and processing of data in the field of home affairs, rights and protection of rights of persons whose data are processed, records in the field of home affairs, types and contents of records, data processing authorization, data processing deadlines, method to access data, quality assurance, protection, keeping and oversight of data processing and other issues relevant to data processing in the field of home affairs.

Acts/cases/data are labeled by different degrees of secrecy in accordance with the criteria stipulated in the Regulation on detailed criteria to determine the degree of secrecy "STATE SECRET" and "TOP SECRET" (Official Gazette of the Republic of Serbia No. 46/13 on 24 May 2013), and in accordance with the Regulation on detailed criteria to determine the degree of secrecy "CONFIDENTIAL" and "INTERNAL" in the Ministry of Interior (Official Gazette of the Republic of Serbia No. 105/13 on 29 November 2013).

Acts/cases/data which degree of secrecy was labeled as state secret, top secret, confidential and internal are recorded in the special register book exclusively in hard copy (book) and are stored in designated areas in accordance with the Regulations of the Government that closely regulate this issue. For the time being this kind of acts/cases are not kept in electronic applications until the necessary conditions are met as prescribed by the Regulation on protection of classified information in the information and telecommunications system (Official Gazette no. 53/11 of 20 July 2011).

Criminal charges submitted for the reason of official secret disclosing and abuse of official records

During 2014 and the first three months of 2015, the Sector did not submit criminal charges for official secret disclosure. The Sector submitted four criminal charges against five police officers that abused criminal records. The list of abuse is as follows:

- unauthorized collection of personal data and unauthorized use of user name and password to access MoI Unified information system, unauthorized processing and use of data for the purpose data is not intended for.

- verification in the official records for the purpose of private use and of submitting data to unauthorized persons;

- use of operative data and findings with the aim to mediate between perpetrator of the criminal act of fraud and injured party (police officer who used operative findings resulting from the

process of verification and invited suspects to official premises where he tried to persuade them to return money to citizens who were victims of fraud and made promise to suspect that in that case he would not submit charges against them)

	2014	January – April 2015	TOTAL
Other acts – misuse of official duty			
Number of submitted criminal charges	2	2	4
Number of reported police officers	3	2	5
Number of reported criminal acts	2	2	4