



Special Prosecutor's  
Office for  
High-Tech Crime  
Serbia



**Workshop 1:  
Cooperation against Cybercrime – Cybercrime legislation**

**OCTOPUS CONFERENCE 2012  
STRASBOURG  
JUNE 6.-8.**



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## Cooperation against Cybercrime – Cybercrime legislation

- Law on Organisation and Competence of Government Authorities in Suppression of High Technological Crime was adopted by National Assembly in July 2005.
- Special Prosecutors Office for High-Tech Crime was founded during February 2006.
- On January 1<sup>st</sup>, 2010 competences of the Office were changed on one hand widening scope of the criminal acts under jurisdiction of the Office while on the other hand narrowing it's capability to prosecute lesser forms of criminal acts then before. So far two Special Prosecutors took the Office.



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## Cooperation against Cybercrime – Cybercrime legislation

- Criminal offences against security of computer data defined by Criminal Code of the Republic of Serbia
- Criminal offences against intellectual property, property, commerce and industry and legal traffic which are committed by using, as object or tool of committing the offence, computers, computer networks, computer data, including their products in tangible or electronic form.
- and the number of items of copyrighted works is over **2000**, or the amount of the actual damage is over **1.000.000,00** dinars.
- Criminal acts against freedom and rights of man and citizen, gender freedoms, public order and peace, Constitutional system and security, which can be considered by the way of commitment or used tools as cyber-crime.



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## Cooperation against Cybercrime – Cybercrime legislation

### ORGANISATION AND JURISDICTION OF GOVERNMENT AUTHORITIES:

- Special Prosecutor's Office
- The Higher Public Prosecutor's Office in Belgrade shall have jurisdiction of the territory of the Republic of Serbia in regards to cyber crimes
- A Special Prosecutor's Office for suppression of high technological crime is established within the Higher Public Prosecutor's Office in Belgrade (Special Prosecutor's Office).
- The Special Prosecutor's Office is managed by a Special Prosecutor for suppression of high technological crime.
- The Special Prosecutor is appointed by the Republic Public Prosecutor
- The Special Prosecutor is appointed to a term of office of four years and may be re-appointed.



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## Cooperation against Cybercrime – Cybercrime legislation

### ORGANISATION AND JURISDICTION OF GOVERNMENT AUTHORITIES:

- Special Service for Suppression of High tech crime:
- A Special Service for suppression of high technological crime is established as part of the Ministry of Interior («the Service») to perform law enforcement duties against cyber crime.
- The Service acts upon requests of the Special Prosecutor's Office, in accordance with the law.
- The minister responsible for internal affairs shall appoint and dismiss the commanding officer of the Service, following the opinion of the Special Prosecutor and shall specify Service's activity, in accordance with this Law.



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## Cooperation against Cybercrime – Cybercrime legislation

### ORGANISATION AND JURISDICTION OF GOVERNMENT AUTHORITIES:

#### Organization and Competence of the Courts:

- The Higher Court in Belgrade have first-instance jurisdiction for the territory of the Republic of Serbia in criminal cases of cyber crime.
- A Panel of Judges for processing cyber crime criminal cases is established within the Belgrade Higher Court.
- The President of the Belgrade Higher Court appoints judges to the Special Panel of the Higher Court from among judges of that court, with their consent. Information technologies knowledge is the advantage of the judges.



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## Cooperation against Cybercrime – Cybercrime legislation

- Statistical Data 2010 – April 2012 for DISCOVERED perpetrators and initial inquiry files (factual cases):
    - 2010: **116** cases against **131** perp.  
**443** i.i.f.
    - 2011: **130** cases against **154** perp.  
**502** i.i.f.
    - 2012 (until April):  
**31** cases against **35** perp.  
**157** i.i.f.
  - 2010 – 2012 (April):
    - **277** cases against **320** known perpetrators
    - **1102** initial inquiries
  - 2006 – 2012:
    - **572** cases against **716** known perpetrators
    - **1411** initial inquiries
- Total of all cases: **over 2000**



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## Legal framework

- *Law on Public Prosecution*
- *Duty to Forward Documents to Public prosecution*
  - **Article 8**
- Courts, other public authorities, local self-government and autonomous province authorities, as well as other organisations and legal persons, are required to forward to the public prosecution, upon its request, documents and information required for undertaking actions within its purview. When a public prosecution is bound by a statutory time limit, they shall forward documents without delay.
- *Duty to Provide Data and explanations to Public Prosecution*
  - **Article 9**
- Everyone is required to directly provide to the public prosecution upon its request explanations and data it requires to undertake actions within its competences under the law.



# Legal framework

- **Criminal Procedural Code**
  - **Art. 225**
    - (1) Where there exist grounds to suspect the commission of a criminal offence prosecutable *ex officio*, the internal affairs authorities are required to undertake measures required to detect the perpetrator of the criminal offence ... *to detect and secure evidence of the criminal offence and objects which may serve as evidence, and to collect all information which might be of use for the successful conduct of criminal proceedings.*
  - **Art. 235**
    - (2) Where the public prosecutor is not able to conclude from the complaint that it is probably accurate or where the data in the complaint do not provide sufficient foundation for the prosecutor to decide whether to request the conduct of an investigation, or where the public prosecutor has only heard that a criminal offence has been committed, and especially where the perpetrator's identity remains unknown, the public prosecutor shall gather the requisite information on his own or with the help of other authorities ...



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# Legal framework

- **Criminal Procedural Code**
  - **Art. 77**
    - (1) Searches of the abode and other premises of accused persons or other persons may be conducted only where it is probable that the search will lead to the capture of the accused person or the detection of evidence of a criminal offence or objects of importance for criminal proceedings.
- **Article 78**
  - (1) Searches shall be ordered by a court by way of a written and substantiated search warrant.



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# Legal framework

- **Criminal Procedural Code**
  - **Article 82**
    - (1) Objects which must be seized under the Criminal Code, or which may serve as evidence in criminal proceedings, shall be seized and placed with the court for safekeeping, or their safekeeping will be secured in another way.
    - 2) The objects referred to in paragraph 1 of this Article include automatic data processing devices and equipment on which electronic records are kept or may be kept. Where so ordered by the court, persons using these devices and equipment shall make them accessible to the authority conducting the proceedings and provide information required for their use.
    - Before seizing such objects, the authority conducting the proceedings shall in the presence of an expert conduct an inspection of the devices and equipment and make a record of their contents. If the user is attending the aforesaid activity, he may enter his objections.
    - (3) Anyone holding such objects is required to surrender them when so ordered by the court. Persons who refuse to surrender the objects may be fined up to 100,000 RSD, and if after paying the fine they once again refuse to surrender the objects, they may again be fined in the same manner. These provisions shall also be applied to officials and responsible persons in public organs of authority, enterprises or other legal persons.
    - (5) Authorised officers of the Ministry of Internal Affairs may seize the objects referred to in paragraph 1 of this Article when acting pursuant to Articles 225 and 238 of this Code or enforcing an order issued by a court



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## Legal framework

### Law on International Assistance in Criminal Matters

#### Article 2

- Mutual assistance shall include:
- extradition of defendants or convicted persons;
- assumption and transfer of criminal prosecution;
- execution of criminal judgments;
- other forms of mutual assistance.

#### Article 7

- Preconditions to the execution of requests for mutual assistance include:
- the criminal offence, in respect of which legal assistance is requested, constitutes the offence under the legislation of the Republic of Serbia;
- the proceedings on the same offence have not been fully completed before the national court, that is, a criminal sanction has not been fully executed;
- the criminal prosecution, that is, the execution of a criminal sanction is not excluded due to the state of limitations, amnesty or an ordinary pardon;
- the request for legal assistance does not refer to a political offence or an offence relating to a political offence, that is, a criminal offence comprising solely violation of military duties;
- the execution of requests for mutual assistance would not infringe sovereignty, security, public order or other interests of essential significance for the Republic of Serbia.



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## Legal framework

- **Law on International Assistance in Criminal Matters**
  - Subject of other forms of mutual assistance
    - Article 83
  - Other forms of mutual assistance include:
    - 1) conduct of procedural activities such as issuance of summonses and delivery of writs, interrogation of the accused, examination of witnesses and experts, crime scene investigation, search of premises and persons, temporary seizure of objects;
    - 2) implementation of measures such as surveillance and tapping of telephone and other conversations or communication as well as photographing or videotaping of persons, controlled delivery, provision of simulated business services, conclusion of simulated legal business, engagement of under-cover investigators, automatic data processing;
    - 3) *exchange of information and delivery of writs and cases related to criminal proceeding pending at the requesting party, delivery of data without the letter rogatory, use of audio and video-conference calls, forming of joint investigative teams;*
    - 4) temporary surrender of a person in custody for the purpose of examination by the requesting party's competent body.
- Presence of a foreign authority
  - Article 91
    - Upon request of the competent authority of the requesting party to be informed about the provision of other forms of mutual assistance, the court shall notify the authority about the time and place of the mutual assistance act.
    - If the court feels that the presence of a representative of the foreign judicial authority at the venue where other forms of mutual assistance are being performed can contribute to better clarification of issues, the court may decide to grant permission for such presence as well as participation in certain procedural activities.
      - Joint investigative teams
        - Article 96
          - If the circumstances of the case justify it, joint investigative teams may be formed by an agreement between the competent authorities of the Republic of Serbia and a foreign country.

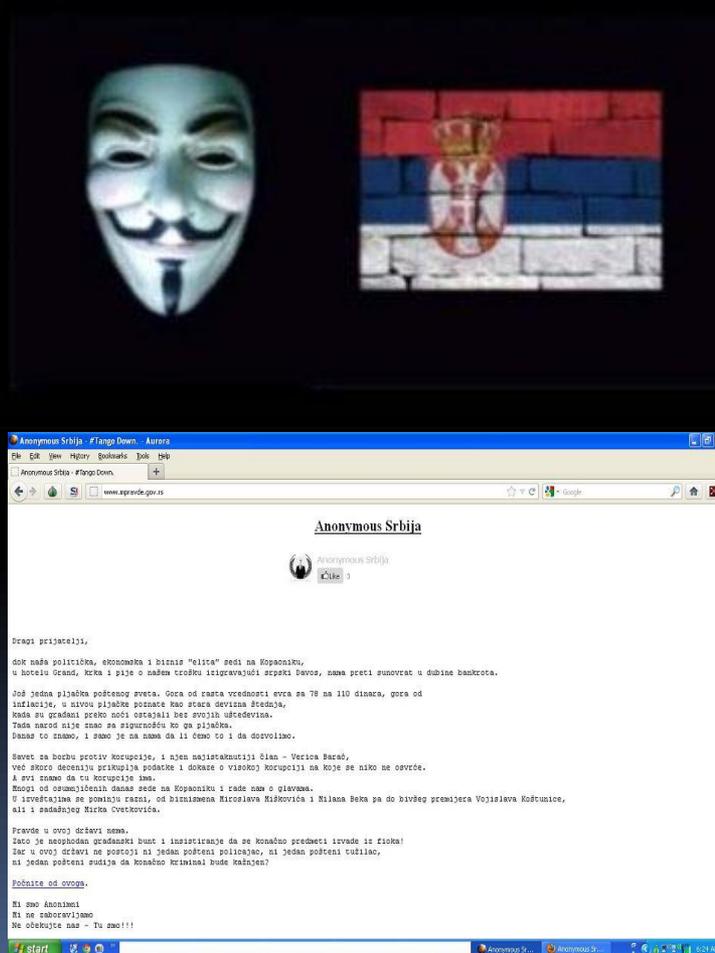


# Special Prosecutor's Office for High- Tech Crime Serbia



## "Anonymous Serbia"

- Perpetrators: Serbia
- Criminal Acts of Computer Sabotage, Unlawful Access, Making of Computer Virus, Aiding to the execution of Computer Criminal Act.
- 5 groups of criminal acts, 28 separate executions over 1 year.
- Major ISP's compromised.
- **776.590** PHP shells seeded.
- Law on Public Prosecution, Criminal Procedural Code provision applied.





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# “Holland Dams Threat”

- Perpetrators: Serbia
- Dutch LEA - Serbian Special Department for High-Tech Crimes of Mol
- EU Liason Project Dutch Prosecutor – Serbian Special Prosecution Office for High-Tech Crime.
- Dutch Investigators on site with Serbian colleagues.
- Discovery, arrest, detention, Request for Investigation: all within 3 working days.

Front pages of main newspapers in Netherlands reporting about Mirosljub Petrovic

**metro**  
AIVD-onderzoek na dreiging dijk-aanslag  
Serviër dreigt met aanslag op dijken

**Mirosljub Petrovic exposes threat to destroy biggest dam in Netherlands**  
Plan za oslobodjenje Mitlaca: Karadzica, Seselj

**Mirosljub Petrovic promoting political organisation “Dveri Srpske”**  
Dveri Srpske: letina o Darvinu - Mirosljub Petrovic

**“Dveri Srpske” ideologist is Nikolaj Veselinovic supporter of Hitler and “orange”**  
Dveri Srpske: Pozadina darvinizma - Mirosljub Petrovic

**“Dveri Srpske” establishing their base in Norway**  
Dveri po prvi put u Norveškoj  
Dveri se predstavile djaspori u Norveškoj

**Mirosljub Petrovic promoting political organisation “Dveri Srpske”**  
Creationism, Clerical fascism, hate against Athiest people.

Tribune su (za norveške prilike) bile izuzetno pospešene, a osim interesovanja za Casopis i ostale publikacije Dveri, iskazano je zanimanje i za rad Pokreta za Život Srbije, za situaciju u Srbiji ( naročito na Kosovu i Metohiji) kao i za ostala aktualna pitanja koja se tiču budućnosti srpskog naroda. **Dogovoreno je osnivanje mreže “Prjatelji Dveri - Norveška”** koja će raditi na promaganju ideja pokreta i grupisanju pomoći za rad pokreta u Srbiji.

Za sađ Dveri Boris Maksimović



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## "OMV CC"

- Perpetrators: International
- Aggrieved parties: Serbian Banks and card holders.
- Approx. 200.000 Euros of damages
- Serbian LEA – foreign LEA request – INTERPOL.
- Although preliminary evidence of exact type and place of credit card misuse was provided no effective response so far.

**ПОЛИТИКА ONLINE** 05. jun 2012.  
poslednje izmena u 11:09  
Beograd 19°C

SVET  
POLITIKA  
DRUŠTVO  
TEMA DANA  
POGLEDI

NA SLOVNA 05.06.  
ПОЛИТИКА

HRONIKA  
EKONOMIJA  
SPORT  
KULTURA  
SRBUA  
REGION  
BEOGRAD  
POGLEDI SA STRANE  
ŠTA DA SE RADI  
TEMA NEDELJE

EKONOMIJA  
**Platne kartice blokirane zbog hakera**  
Zloupotreba otkrivena na pumpama OMV



Viza kartice problematične u čak 11 zemalja zato što su za sada nepoznati hakeri upali u sistem Foto D. Jevremović

Nekoliko najvećih banaka u Srbiji, koje kod nas posluju sa stanovištvom, blokiralo je juče platne kartice kompanije Visa iz, kako su naglasile, bezbednosnih i preventivnih



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Thank you.

*Republic Public Prosecutors Office  
of Serbia*

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