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**Project on Criminal Assets Recovery
CAR SERBIA**

**PROJECT ON CRIMINAL ASSETS RECOVERY IN SERBIA
(CAR SERBIA)**

**TECHNICAL REPORT:
PUBLIC OPINION SURVEY ABOUT THE IMPLEMENTATION OF THE LAW
ON SEIZURE AND CONFISCATION
OF THE PROCEEDS FROM CRIME**

September 2011

Perceptions of the Law on Seizure and Confiscation of the Proceeds from Crime

Survey Report

Survey conducted by:



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1. Introduction

During the past two decades, beginning from the break-up of the former Yugoslavia and the early 1990s, Serbia came to confront the problem of organised crime, manifesting itself through various forms of enrichment of individuals in a society steadily growing more and more impoverished. A major challenge facing the democratic institutions of the Republic of Serbia was the absence of legislation which would help to prevent crime and ensure adequate penalisation of those who profited from it.

A response to this challenge came in 2009, in the form of the Law on Seizure and Confiscation of the Proceeds from Crime, which in just two years filled the budget of the Republic of Serbia with some 300 million euros of cash from the sale of property of suspect origin.

However, certain provisions of the Law, as well as the initial period of its implementation, have raised questions about its constitutionality and compatibility with relevant international standards, and, among the general public, even about its 'fairness'.

The provision which caused the most controversy and debate in the professional as well as the general public is that according to which the public prosecutor is empowered to move for permanent seizure of property owned by a defendant immediately after an indictment becomes effective.¹ Controversy also surrounds the questions of how funds obtained from confiscation of assets are to be distributed and used, and which institutions are directly competent for enforcing the Law. The Law has lately also become a subject of frequent campaigns in which politicians exploit it by claiming that up to two billion euros could flow into the state coffers from its implementation, irrespective of the fact that in most of the ongoing criminal proceedings temporary seizures, rather than full confiscation of assets, have been performed.

The aim of this research project is assessing popular perceptions in Serbia about the Law, its implementation, its potential reach, and the institutions concerned with its enforcement.

2. Methodology

This survey of public opinion about the Law on Seizure and Confiscation of the Proceeds from Crime was conducted on a representative sample of 1,181 respondents from the entire territory of the Republic of Serbia, except Kosovo and Metohija. The main instrument of research used to conduct the study was a questionnaire containing 61 questions, formulated in co-operation with the Council of Europe, some with multiple-choice answers, and some requiring full answers.

Respondents were interviewed directly, face-to-face. Instructors briefed questioners during their training to obey two very important rules which, besides the size of the sample, also significantly influence the representativeness of the study – observing the steps and the first-birthday rule. Observing the steps ensured comprehensive coverage of the complete research points by the questioners, while application of the first-birthday rule excluded the possibility of the respondents being only those who were the first to open their homes' doors to the questions; questioners were instructed to interview in

¹ Article 28 (*official translation*)

After legal entry into force of indictment and not later than one year following the final conclusion of criminal proceedings the public prosecutor shall file a motion for permanent seizure of the proceeds from crime. (Transl. note)

every household the person aged above 18 whose date of birth came first after the date of the visit. In this manner we ensured both gender and educational representativeness of the sample of the population surveyed.

3. Description of the sample

Based on the methodology established for this study, we interviewed the following categories of respondents:

Gender structure: 50% women and 50% men;

Age structure: 19% of the respondents were aged between 18 and 29, another 19% between 30 and 39, 18% between 40 and 49, 19% between 50 and 59, and 25% aged over 60.

Educational structure: 19% of the respondents had complete or incomplete primary school education, 13% had vocational school degrees, 42% had secondary school degrees, 7% had two-year college degrees, 15% had university degrees, and 4% were secondary-school or university students.

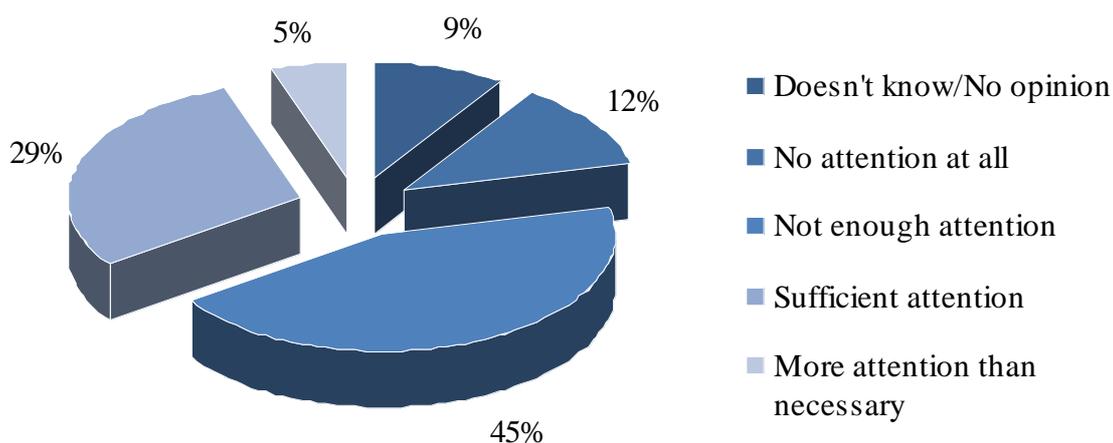
Average household income per household member: up to 10,000 dinars a month (28% of the sample), between 10,000 and 20,000 dinars (30%), 20,000-40,000 dinars (21%), 40,000-60,000 (5%), and over 60,000 dinars (2% of the respondents), while 14% of the sample declined to provide this information.

4. From where do Serbia's citizens get their information?

A cursory glance at Serbian daily newspapers or televisions broadcasts leads to a conclusion that crime is one of the chief topics covered by the media, and therefore also that the population must be satisfied with the quantity of information obtained about crime with which Serbia's society is faced.

Chart No. 1.

In your view, do the media devote enough attention to the fight against organised crime?



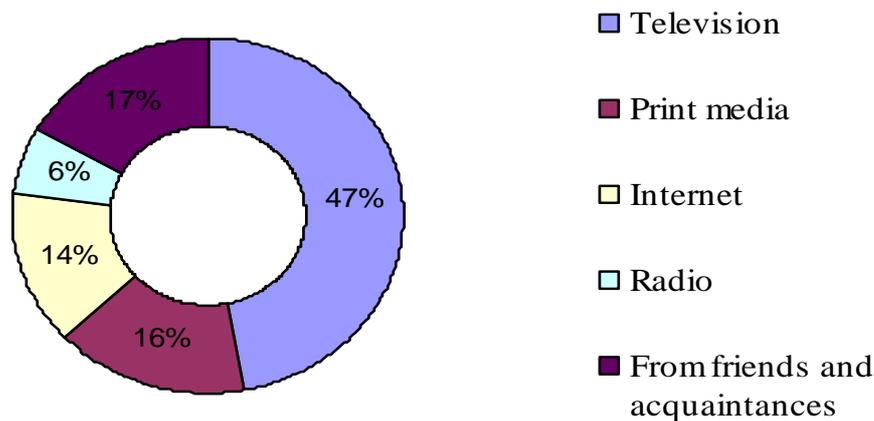
However, in respect of the manner in which the struggle against organised crime is conducted, respondents did voice objections to the existing media coverage (see Chart No. 1): no fewer than 12% of those surveyed said that in their view the media ignored the topic completely, and another 44% that media coverage was insufficient. This means that

over one-half of the population of Serbia hold the view that the fight against crime is a second-rate topic for the Serbian media.

The next question concerns the sources of information on which Serbia's population relies and the degree of that reliance.

Chart No. 2.

Where do the people of Serbia get their information?

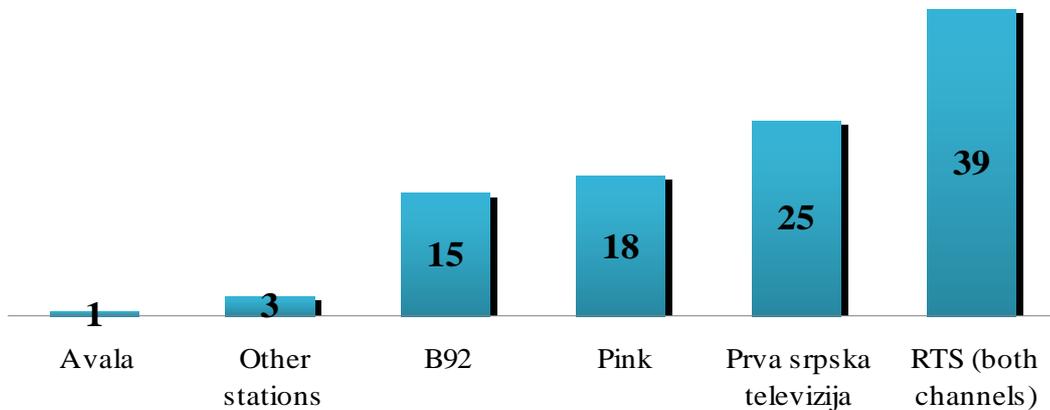


Out of 100% of the information received by an average citizen of Serbia in a day, TV accounts for 47%, followed by information from friends and acquaintances (17%), newspapers and periodicals (16%), and (somewhat surprisingly for a country in which the Web's popularity still lags behind most other countries), the internet (14% of those surveyed; see Chart No. 2). Just 6% of those surveyed received their information from the radio. As expected, television continues to be the most important and suitable source of information for most people, because it is the most accessible. For this very reason information broadcast via TV carries the most weight and it should be taken into consideration that it reaches a substantial majority in the population.

Serbia's most popular TV stations are the two TV channels of the state broadcaster *RTS (Radio and Television of Serbia)*, watched by no fewer than 39% of our respondents – Chart No. 3

Chart No. 3.

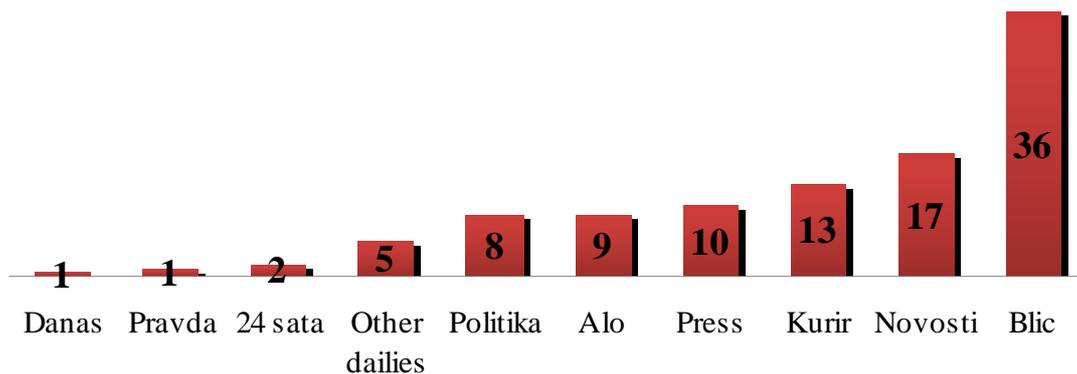
The ratings achieved by TV networks with nation-wide coverage



Several previous studies which included assessments of the ratings achieved by TV stations showed a decline in the popularity of *TV Pink*, which continues, now making that network just a little more popular than *TV B92*, while *TV PRVA* now heads the commercial stations in popularity, being watched by one out of four people in Serbia.

Chart No. 4.

Daily newspaper readership ratings



One out of three people in Serbia say they do not read daily newspapers. Among those who do, *Blic* is the dominant daily, attracting 36% of all newspaper readers. The other papers are far less popular -- *Večernje novosti* is read by 17% of those we surveyed, *Kurir* by 13% and *Press* by 10%, while each of the remaining papers achieves readership ratings of less than 10%.

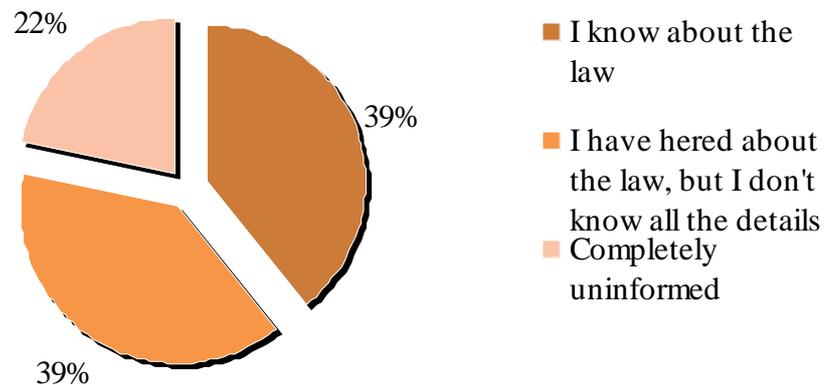
The conclusion that the two dominant sources of information for Serbia's citizens are state TV (*RTS I* and *RTS II*), watched by 39% of our respondents, and the daily *Blic*, read by 36% of those we surveyed.

5. Cognisance of the Law on Seizure and Confiscation of the Proceeds from Crime

Our conclusion is that slightly over one-fifth of those we surveyed were uninformed about the process of adoption and enactment of the Law. Viewed against certain other processes, and in particular general awareness of concrete laws and other regulations, we may say that in this case we encountered an exceptionally high percentage of those who told us that they had a certain degree of knowledge about the topic of our question. The number was almost four-fifths of the sample (78%), half of whom said that some information about the Law had reached them, while the other half were fully aware of the Law's existence.

Chart No. 5.

Cognisance of the Law on Seizure and Confiscation of the Proceeds from Crime



In view of the characteristics of the topic being studied here, we expect demographic properties of the respondents to influence knowledge about the Law to a significant degree. The most prominent differences were seen among the various educational levels, and in direct correlation with education, the respondents' personal earnings levels also indicated differences in awareness of the Law and its content. The best educated segment of the population said they had more knowledge of the problem, while those with lower educational achievement showed a lower degree of personal knowledge about the Law. A high percentage of secondary-school and university students said they knew nothing at all about the Law, but this is a group whose members are generally less involved in and informed about political and social issues.

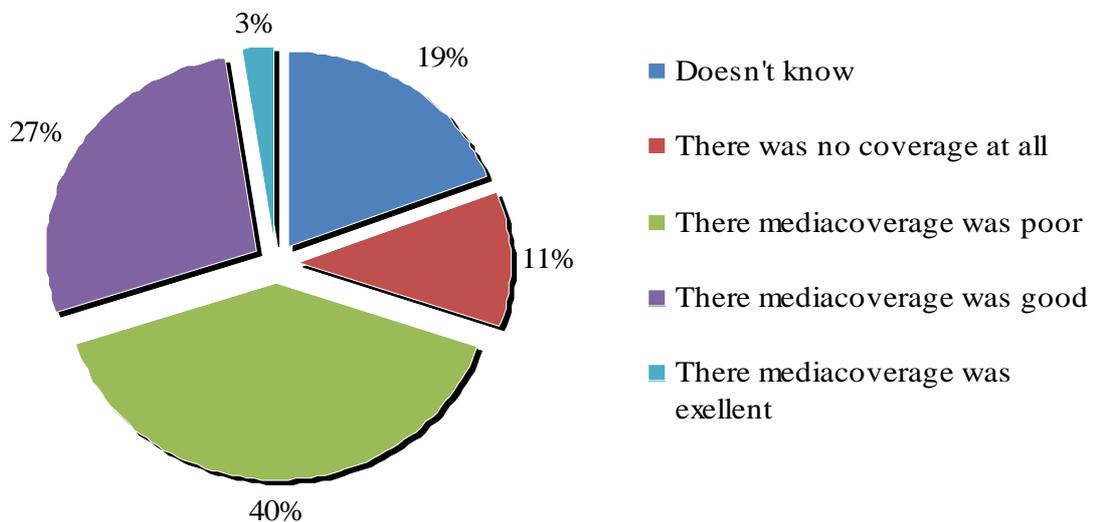
Table No. 1.

<i>Knowledge about the Law and respondents' educational levels</i>	I know about the Law	I have heard about the Law, but I don't know all the details	I know nothing about the Law
Incompl. or complete primary education	20%	42%	38%
Vocational school education	28%	52%	20%
Secondary school education	39%	42%	19%
Two-year college education	49%	36%	15%
University education	68%	22%	11%
Secondary-school or university students	45%	23%	32%
Average	39%	39%	22%

Asked about media coverage of the process of adoption of the aforementioned Law, a majority expressed dissatisfaction with the manner and extent of the reporting. Some 30% of those surveyed said the media had covered the process of adoption of the Law well (this includes 27% who said coverage was 'good', and 3% who viewed it as having been 'excellent'). However, the opposite view was expressed by a majority of 51% -- 40% said coverage was 'poor', and 11% saw it as having been 'non-existent'.

Chart No. 6.

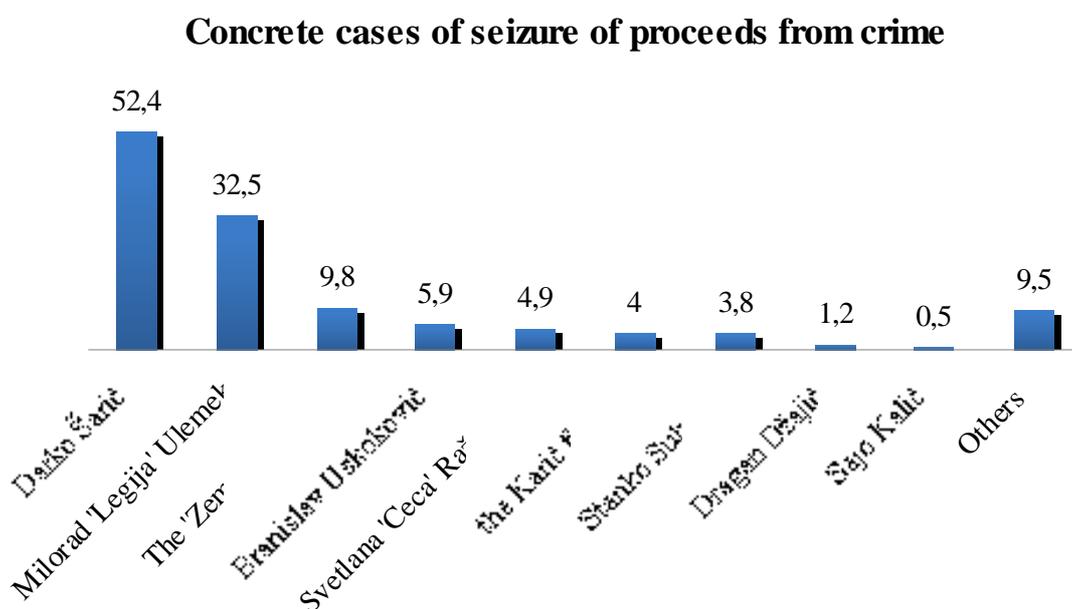
Media coverage of the adoption of the Law



6. Cognisance of the implementation of the Law – concrete cases of confiscation of proceeds from crime

Although 22% of our sample told us they had no points of contact with the Law, considerably more reliable data was obtained when they were asked to cite one or more concrete examples of enforcement of the Law. Here it would have been much more probable to expect a significant decline in the number of those who had some knowledge of the Law and its implementation, but the percentage of those informed about the implementation of the Law and about concrete cases in which the Law was applied turns out to be very high – some two-thirds of those surveyed. A figure of two-thirds of all respondents with at least some knowledge of the implementation of the said Law indicates that the Law did attract an unusually high level of interest among the people of Serbia.

Chart No. 7.

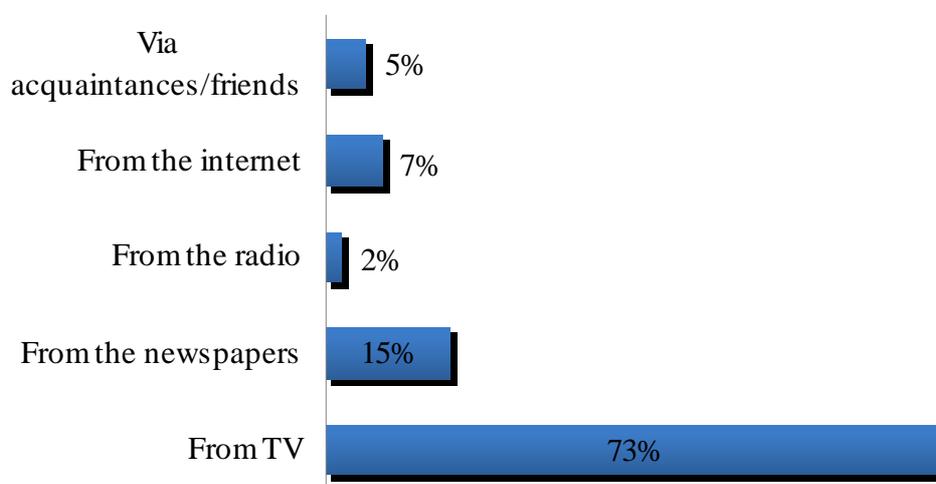


Respondents were asked to cite up to three cases of which they were aware. For this reason the total sum of the answers exceeds 100%, but is also considerably less than 195%, which it would have been had each of the respondents mentioned three cases (65% times three cases). The final figure is 125% because some of those surveyed cited three concrete cases, some cited two, and some only one. Irrespective of the level of notoriety of the concrete cases cited by our respondents, all those mentioned were rated equally because the study focused on simple public awareness of criminal cases rather than on the level of their exposure in the media.

The cases of Darko Šarić and Milorad 'Legija' Ulemek were known to most respondents, while those of the 'Zemun Criminal Clan,' Branislav Uskoković, Svetlana 'Ceca' Ražnatović, the Karić Family and Stanko Subotić were also known to many of those we surveyed.

Chart No. 8.

Routes of communication of sources of information about cases of seizure of proceeds from crime



In the section about the manner in which information reaches the people of Serbia the conclusion reached was that the traditional media – TV and newspapers – play the central role. Those media – in particular TV – are also highly dominant in the cases of informing about the cases of confiscation of proceeds from crime. No fewer than 73% of those surveyed learned about the cases listed in chart No. 3 from TV, and just 15% from the press. The role of the remaining sources of information about the implementation of the Law was negligible.

The question whether other prosecutions under the said Law should also have been instituted led to very interesting answers. Two-thirds of those questioned do not know if any such cases exist, while only 3% expressed the view that no more confiscations of property should be carried out in Serbia. The remaining 31% said they saw certain omissions in the implementation of the Law, but of this group only one-half were able to identify concrete cases. Among those the predominant figures who should in the opinion of the respondents be punished by confiscating their assets were Svetlana ‘Ceca’ Ražnatović (29%) and Miroslav Mišković (10%), other cases with a potential for confiscation of proceeds from crime being mentioned by only a few respondents.

7. Perception of the Law’s expected effects

We looked into views about the Law’s expected effects by using two sets of variables. In our first approach we defined a series of assertions with which our respondents could agree or disagree, and in the second we sought to find differences between what the people wanted to happen by the implementation of the Law and what they believed would happen in actuality.

Table No. 2.

<i>Opinions about the expected effects of the Law</i>	Disagree	Undecided /no opinion	Agree
A concrete Law which will contribute to the fight against crime has finally been adopted	26%	29%	45%
This Law will help punish all those who enriched themselves from the toil of others	40%	22%	38%
Assets which will be confiscated will contribute significantly to the Budget	31%	30%	39%
This Law is just more empty words	23%	30%	48%
No one will punish politicians and tycoons – their property is safe	12%	25%	63%
Who knows where the confiscated cash will end up – certainly not in the Budget	18%	33%	49%

The omnipresent scepticism about decisions made by the political elite in Serbia is also evident in connection with the Law on Seizure and Confiscation of the Proceeds from Crime. Experiences of the citizenry with diverse legislation adopted and espoused by the powers that be could also have led to a lack of confidence in the capacities and implementation of this Law.

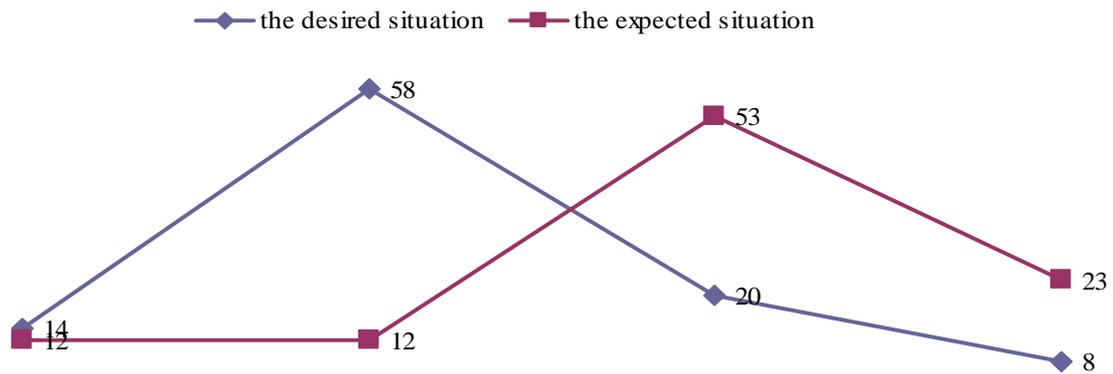
In Table 2, only in the case of the first assertion did we record a significantly higher level of optimism among the respondents than of pessimism -- 45% agreed, against 26% who did not. Some 39% agreed with the assertion that confiscated assets would help fill the state Budget to a substantial degree, against 31% who expressed pessimism in respect of this. Asked for their opinion on the assertion that the Law's enforcement would result in the prosecution of all those who enriched themselves on the toil of others, about equal percentages (two-fifths) agreed and disagreed.

The existing public scepticism in Serbia is confirmed by the responses to the three remaining assertions: in all three at least one-half of those surveyed agreed with the pessimism expressed in the assertions, indicating predominantly negative attitudes of the respondents. No fewer than 48% of them believe the Law is just more empty words, 49% believe confiscated assets will end up somewhere else than in the state coffers, and as many as 63% of those surveyed think politicians and tycoons will be immune from all of the Law's effects and that their property which represents proceeds from crime will be exempt from confiscation.

The second set of variables relates to possible differences between what citizens expect from the Law and what they believe will really happen. A majority (58%) want strict application of the Law and no exemptions from prosecution and punishment. However, no less than three-quarters of those surveyed do not think that this will happen -- 53% believe that Justice will be selective, and another 23% are even more pessimistic, opining that no one who should really be punished will be prosecuted under this Law. The discrepancy indicates a gap between the respondents' wishes and their actual expectations, only serving to confirm the scepticism the people have in respect to the implementation of the Law. In a number of surveys we conducted which concerned other topics (corruption in the health-care sector, public enterprises, etc.), we found no major differences from the views expressed by the public in the present study.

Chart No. 9.

Relationship between desires and expectations from the Law's application



Does not know / Cannot estimate

... the Law will be implement properly and all those who deserve punishment will be punished

... the Law will be applied selectively and only 'small fry' will be punished

... the Law will not be applied at all, and none of those who are really guilty will be punished

8. The reasons for the adoption of the Law on Seizure and Confiscation of the Proceeds from Crime

In the opinion of our respondents, the Law on Seizure and Confiscation of the Proceeds from Crime was adopted in order to bring Serbia nearer to the European Union by harmonising its legislation with the standards which prevail in Europe. Another very important reason cited by those surveyed is an attempt by the authorities and competent institutions to show determination to fight crime, although the impression that can be gained is that the respondents doubt very much that the authorities are genuinely willing to take such a step – Table No. 3.

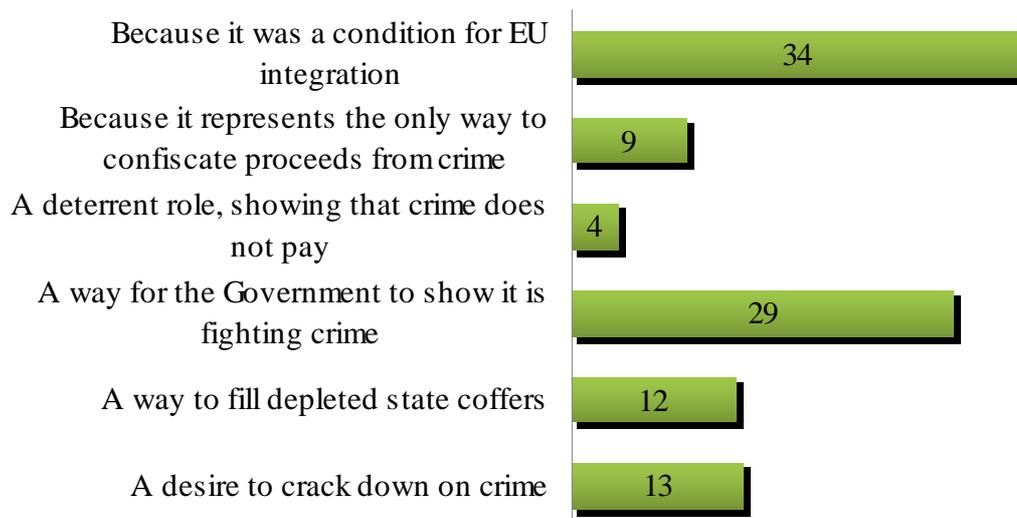
Table No. 3.

<i>The following contributed to the adoption of the Law on Seizure and Confiscation of the Proceeds from Crime...</i>	does not know, has no opinion	not at all	partially	decisively
A desire to crack down on crime	13%	23%	44%	20%
A desire to fill depleted state coffers	13%	15%	40%	32%
A desire to show determination to fight crime	10%	9%	31%	50%
A deterrent role, showing that crime does not pay	15%	28%	40%	17%
It is the only way to confiscate proceeds from crime	14%	18%	37%	31%
It was a condition for integration into Europe	13%	11%	26%	51%

The preceding shows that those surveyed believe that from among the reasons offered the most unlikely ones are a genuine desire by the Government to crack down on crime with the help of a high-quality law or to use that law to strengthen the deterrent role of other legislation in the fight against crime. Nevertheless, a majority admit that the adoption of the Law means that there does exist a certain desire to reduce crime and to punish offenders appropriately. However, a significantly smaller number of respondents believe that desire to be stronger than for example that to fill the Budget.

Chart No. 10.

The most important reason for the adoption of the Law



Respondents were asked to choose a reason they believed to be decisive for the adoption of the Law. Once again it was confirmed that those surveyed see the adoption of the Law in the light of a desire of the Serbian authorities to bring the country nearer to the European Union by harmonising domestic legislation with that of the EU, and on the domestic plane as an attempt to show Serbia's citizens that they are fighting against crime. Just 4% of respondents think that the main motivation for adopting the Law was its deterrent role - showing potential criminals that crime does not pay.

9. Expected effects of the Law on Seizure and Confiscation of the Proceeds from Crime

The main reasons for the adoption of the Law on Seizure and Confiscation of the Proceeds from Crime also represent criteria to whose improvements the Law will contribute the most – Table No. 4.

Table No. 4.

<i>How much will the Law contribute to each of the following?</i>	does not know, has no opinion	not at all	partially	decisively
The fight against crime	10%	26%	48%	16%
Filling the depleted Budget	10%	20%	49%	21%
An impression that the authorities are cracking down on crime	10%	14%	42%	34%
Serving as a deterrent – showing that crime does not pay	14%	32%	38%	16%
Confiscation of proceeds of crime, in a substantial extent	11%	27%	40%	22%
The European integration process	12%	18%	39%	31%

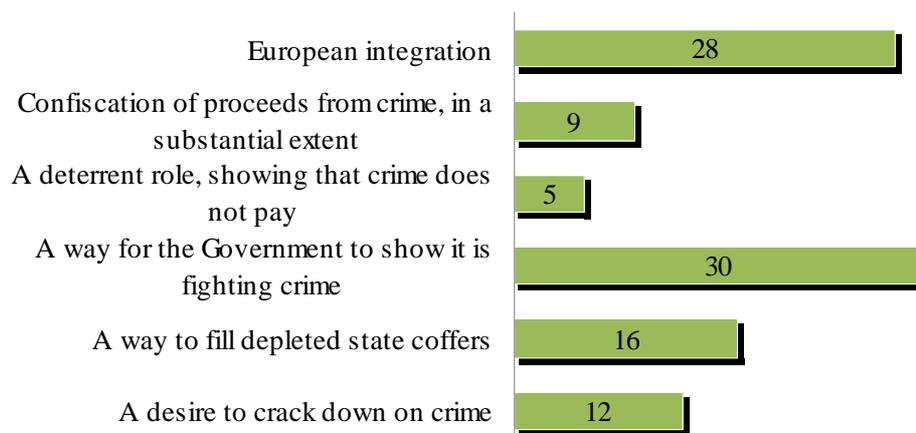
More than one half of our respondents expressed the belief that the Law on Seizure and Confiscation of the Proceeds from Crime would contribute partially or substantively to the fight against crime, either by its direct enforcement or by its deterrent effect – proving that crime cannot pay. However, fully 76% of those surveyed agree with the view that the Law will contribute the most only to the feigning of an impression that the authorities are fighting crime, while 70% believe that the Law will serve to help fill depleted state coffers and to take a step towards integration into Europe.

When respondents were asked to choose one of the criteria listed in Table No. 4 to whose advancement the Law would contribute the most, once against feigning an impression that the authorities are fighting crime (30%) and Euro-integration (28%) were ranked highest – Chart No. 11.

Based on the findings so far, the impression can be gained that the people of Serbia welcome the adoption of the Law because they are well aware that criminals have hitherto not been sanctioned in an appropriate manner, but are at the same time concerned about possible selectiveness in its application, and about the fact that its sole purpose could well be an attempt by the authorities to conceal their insufficient activity in the struggle against crime.

Chart No. 11

To what will the Law contribute the most?



A confirmation of these conclusions can be found in the findings which follow – Table No. 5. Asked about factors which affected the implementation of the Law, most respondents opted for negative ones – those serving to prevent full enforcement of the Law.

Interestingly, in respect of the roles played by institutions in the implementation of the Law, a majority of respondents gave about equal weight to their roles (one out of three believe that the activities of the judiciary, the Public Prosecution and the police are very important for the implementation of the Law).

On the other hand, two key factors on whose influence much emphasis was laid are links between criminals and politicians and the power of the criminal groups in Serbia.

Table No. 5

<i>What affects the implementation of the Law</i>	Affects strongly	Affects substantially	Does not know/ has no opinion	Little effect	No effect at all
The potency of the criminal groups in Serbia	41	24	24	9	2
The determination of the public authorities responsible for its implementation	29	28	24	13	6
Links between criminals and politicians	47	22	21	7	3
The activity of the judiciary	33	27	24	11	5
The activity of the Prosecution	33	27	25	10	5
The activity of the Police	35	27	23	10	5

The aforementioned two factors have a decisive effect on the future of the Law – as long as the authorities are not able to convince the people that there is no selectiveness in the implementation of the Law, the general public will always have doubts about its proper application.

Chart No. 12.

The factors which affect implementation of the Law



Alongside the linkage between crime and politics, those surveyed also see the determination of the public authorities responsible for the implementation of the Law as a very important factor which may affect its future.

Table No. 6

<i>Institutions / implementation of the Law</i>	The power of Serbia's criminal groups	The resolve of the public authorities responsible for its implementation	Links between criminals and politicians	The work of the judiciary	The work of the Public Prosecution	The work of the Police
Does not know/no opinion	19%	18%	41%	5%	2%	15%
The Ministry of Justice	17%	17%	39%	9%	5%	13%
The Public Prosecution	15%	15%	32%	8%	19%	11%
The Ministry of Internal Affairs	18%	13%	19%	12%	8%	30%
The courts	12%	22%	28%	22%	9%	7%
Other authorities	17%	18%	35%	8%	2%	20%
Average	16%	17%	32%	12%	9%	14%

On the resolve of which public authorities do the citizens count the most in respect of the implementation of the Law?

The response to this question can be obtained by comparing answers to the question about which authorities should be responsible for the implementation of the Law and the question about what affects the implementation of the Law.

The comparison leads to a clear conclusion that the citizens expect a lot from the work of the courts, and when they talk about the resolve of the public authorities responsible for the implementation of the Law, they are referring in particular to the determination of courts – Table No. 6.

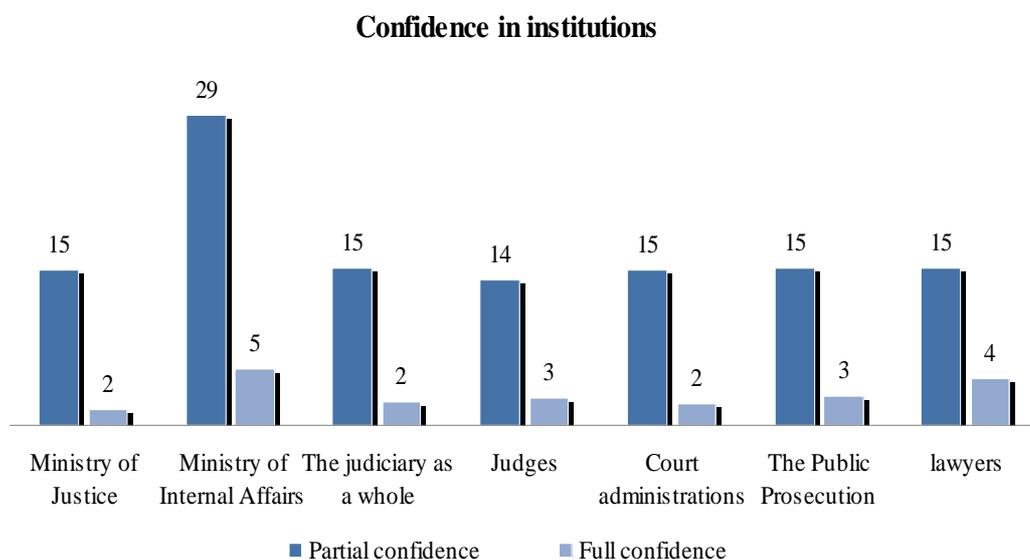
In the very next section we shall deal with the existing level of confidence in the judicial institutions, but it must be taken into account that although people now have low confidence in certain institutions, that does not mean that they are not aware of their powers and their potential capacities in the process of implementing the Law on Seizure and Confiscation of the Proceeds from Crime.

10. Confidence in the institutions of the judiciary

Institutions of the judiciary are an essential part of the process of implementation of the Law, and a reasonable hypothesis is that confidence in those institutions creates a basis for confidence in the implementation of the Law itself. We placed on our list of the said institutions all those connected to the application of the Law or connected to the judicial system in other ways.

The following graph shows only partial or full levels of confidence of the citizens in the said institutions. All the institutions belonging to the judicial system achieved very similar levels of trust among our respondents – when added together, less than one-fifth [of the sample]. A somewhat higher percentage expressed confidence in lawyers, but a reason for this may lie in the fact that lawyers' services are paid directly from their clients' pockets. Among the institutions rated, the Ministry of Internal Affairs scored significantly above the average, winning the confidence of one-third of our respondents.

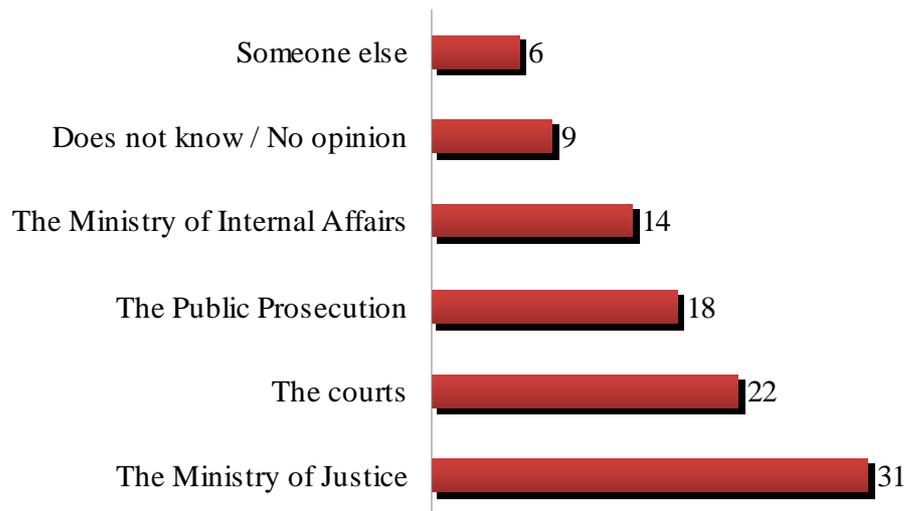
Chart No. 13.



However, the level of confidence of our respondents in various institutions does not agree with their views about which of them should play the chief role in the implementation of the Law on Seizure and Confiscation of the Proceeds from Crime. Almost one-third of our sample picked the Ministry of Justice, two-fifths opted for courts and the Public Prosecution, and 14% chose the Ministry of Internal Affairs [Police].

Chart No. 14.

Which institution should implement the Law?

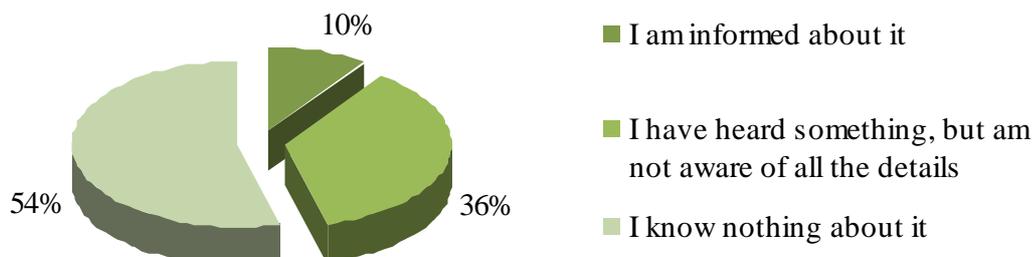


11. Perceptions of the Directorate for Management of Seized and Confiscated Assets

Besides the institutions whose activities were assessed in the previous section, we also surveyed our respondents about the Directorate for Management of Seized and Confiscated Assets – awareness of its existence and activities, expectations from its work and the work of its employees.

Chart No. 15.

Level of information about the Directorate for Management of Seized and Confiscated Assets

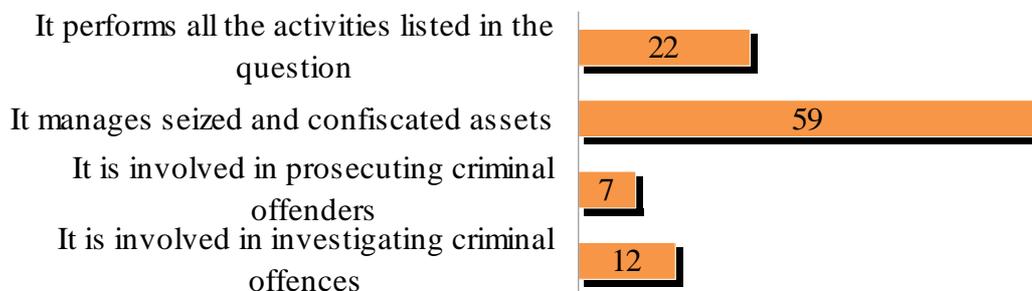


Knowledge about the Directorate is somewhat less than that expressed about the Law, which should not be unexpected or provoke concern, as the Directorate was established some time after the Law was passed. Furthermore, there has been relatively little mention in public of the Directorate's activities, and the fact that just one out of ten people in Serbia know about its work, and 36% know of its existence, but not its activities, can be rated as satisfactory – Chart No. 15.

Given that one-half of Serbia's citizens do not even know that the Directorate exists, and are therefore unable to give exact answers to questions about the Directorate's competences, its executive staff and the potential results of its work, from here on we shall focus on answers given only by those who said they were aware of the existence.

Chart No. 16.

The Competences of the Directorate for Management of Seized and Confiscated Assets

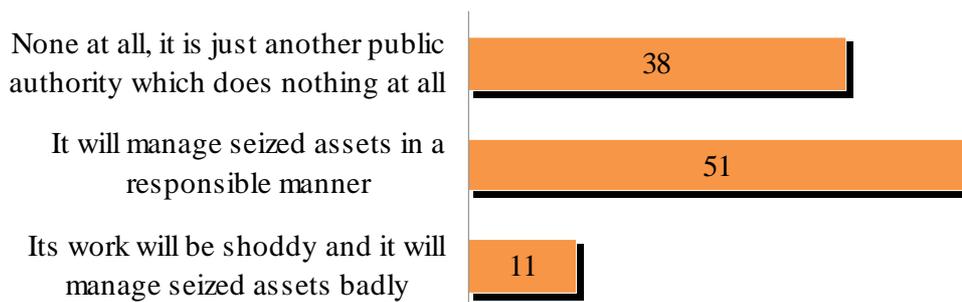


Asked about the activities of the Directorate for Managing Seized and Confiscated Assets, as might be expected, fully 59% of the group surveyed said that it was involved in the management of property seized from those accused of having committed a criminal offence.

However, it could also be concluded from the answers given that the Directorate could include in its activities other activities, such as investigating criminal offences, and even prosecuting defendants – one out of five of those surveyed believes that the Directorate is actually involved in such activities – Chart No. 16.

Chart No. 17.

Expectations from the Directorate's work



A realistic assessment of the work of public institutions is very difficult, given that the level of dissatisfaction of the people with the current situation in the country is exceptionally high, which reflects on their attitudes towards most institutions formed by the state.

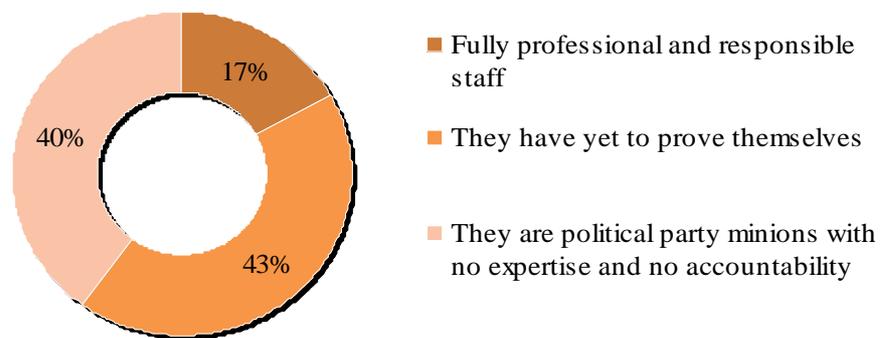
Although the trend of low ratings and a high level of distrust is evident in respect of most judicial institutions, the Directorate fared better – Chart No. 17.

It is true that 49% of respondents see the Directorate as another in a series of inactive public institutions, or one expected to make mistakes and mismanage seized assets, but 51% of the respondents nevertheless expect the Directorate to exhibit a certain level of responsibility in its work.

This is the first sign that by doing its work well and with the help of a good campaign the Directorate does have a chance to win the trust of the people as an authority capable of doing its job in the correct manner.

Chart No. 18.

Opinions about the Directorate's executive staff



Another factor in favour of the Directorate is that its executive staff are not overwhelmingly seen as incompetent – Chart No. 18.

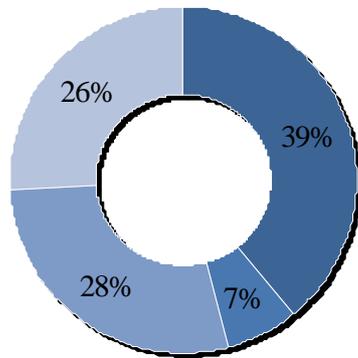
Although 40% of those surveyed see their appointments as politically motivated, 60% are still not willing to express a negative view about them. Almost one out of five (17%) does see the executive staff as competent and responsible officials whose appointments should not be questioned.

12. Perception of the management of seized assets

Given that the results of the survey indicate that a significant number of people in Serbia know little or nothing about the implementation of the Law on Seizure and Confiscation of the Proceeds from Crime, it should therefore be no surprise that 39% of our respondents have never heard about the auctions at which confiscated assets are sold – Chart No. 19.

Chart No. 19.

Assessment of auctions at which proceeds from crime are sold



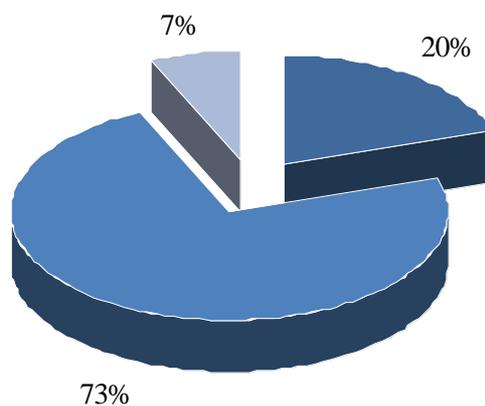
- I don't know anything about that matter
- The sales are concluded in a transparent manner
- The sales are concluded in a partially transparent manner
- The sales are concluded in a completely non-transparent manner

A bigger problem for the Directorate and the organisers of the auctions lies in the fact that one out of four respondents sees the auctions as being rigged and non-transparent, i.e., not equally open to all citizens.

Only 7% of those surveyed have no doubts about the fairness of the auctions, while 28% think that in Serbia the law is never respected fully and express doubts about the lawfulness of the sale of seized assets derived from crime.

Chart No. 20.

Management of seized and confiscated assets



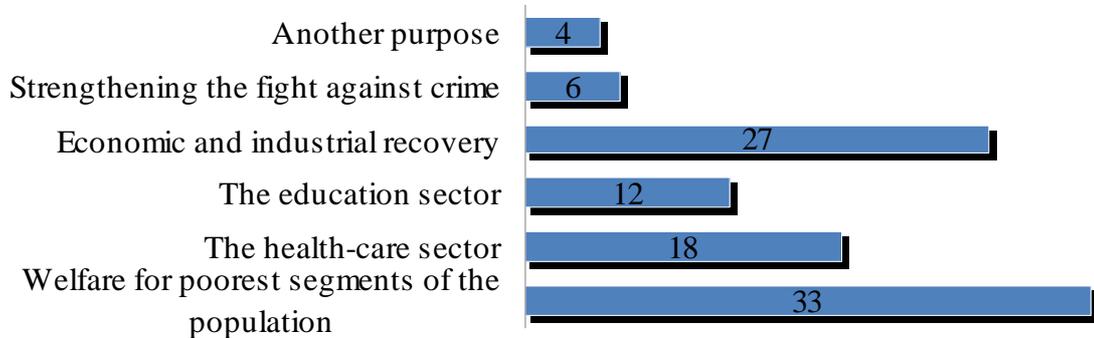
- I don't know anything about the matter
- Seized assets should be sold only after culpability is proved
- An indictment against a person is sufficient for his or her property to be placed at the disposal of the state

We said at the start that one of the most controversial aspects of the Law is the possibility of selling seized assets at auction even before the culpability of its owner is proved. Besides provoking heated debates in the professional public, this provision is also not acceptable to most ordinary people in Serbia: no fewer than 73% of those surveyed think that the Prosecution must first prove that someone is guilty of a criminal offence before that defendant's assets may be disposed of, while only 7% think that it is sufficient to indict a person for his or her property to be seized by the state.

One out of five respondents did not declare themselves on this issue.

Chart No. 21.

Where funds derived from selling proceeds from crime should be invested?



In a country with a very high unemployment rate like Serbia, it could have been expected for its population to call for all additional funds flowing into the Budget to be directed towards fulfilling social needs (33% of the respondents), and economic recovery – creation of new jobs in the economy and industry (27%). As always, education and health-care are also on the list of priorities, with somewhat less interest in other areas.

Especially interesting is the fact that only 6% of those surveyed think that funds gained from the fight against crime should be directed towards upgrading that very struggle.

13. Conclusions

- The Law on Seizure and Confiscation of the Proceeds from Crime has caused much controversy in the professional public, reflected in the general public to a somewhat lesser extent.
- The average citizen of Serbia, whose principal source of information is TV, is informed to a certain extent about the existence of the Law, expressing the opinion that it is good that the Law was adopted, but also suspicion about the good intentions of those who enacted the Law.
- As shown by the study, a majority of our respondents long ago stopped trusting the legislators, believing that most new laws are just empty words and remain empty words. Although people do agree with the view that this is the only way to properly punish criminals and to lay firm foundations for preventing and deterring crime, they are nevertheless more inclined towards believing it to be a way for the authorities to ingratiate themselves with the European Union on the external plane, and on the internal one to pull the wool over the people's eyes.
- No one is certain whether assets will be confiscated from those who really deserve it – tycoons who are in cahoots with politicians, and criminals who enjoy support from someone high up in government.
- Nevertheless, when asked who should be deprived of ill-gotten gains, most people mention two prominent names – the singer Svetlana 'Ceca' Ražnatović, and businessman Miroslav Mišković (universally regarded as being responsible for all of Serbia's problems, so that the presence of his name on the list should be no surprise).
- The poor level of knowledge about the Law in the general public indicates that it needs to be promoted in the right manner in that public, whose support for it will depend in a large measure on its efficiency.
- Concurrently, it is not a popular thing nowadays to ask people about the degree of confidence they have in certain institutions. Too many people whose standard of living is constantly falling no longer differentiate between institutions, but see them all together simply as GOVERNMENT/POWER, and trust none of them in the slightest. As for the Directorate for Management of Seized and Confiscated Assets, it has so far not been accused in the public of any shady dealings, and the possibility therefore remains that it could gain by its work the status of an institution deserving full public confidence.
- However transparent were the auctions at which confiscated assets were sold, it is essential that they should have even more transparency and media coverage (especially on TV and in the press). This additional transparency is necessary to boost confidence in the Directorate and public trust in the efficiency of the Law.
- Although the public regards the Law as being good in principle, they are nevertheless not willing to support the seizure of property of defendants who are still under investigation and whose culpability has not yet been proven.