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Support to Prosecutors' Network in South-Eastern Europe
Regional Project

Overview
of institutions in charge of the fight against organised
crime and international co-operation in the field
in South-Eastern Europe

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“THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA”

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¹ All reference to Kosovo, whether to the territory, institutions or population, in this text shall be understood in full compliance with United Nations Security Council Resolution 1244 and without prejudice to the status of Kosovo.

INTRODUCTION

This Overview was prepared within the framework of the Joint Council of Europe/European Union Regional project “Support to Prosecutors’ Network in South-Eastern Europe” (April 2008 – July 2010). The overall objective of the project was to strengthen capacities of the CARDS countries to develop and implement judicial co-operation against serious crime based on the European Union *acquis* and other European and international standards and practices.

The document was prepared on the basis of contributions submitted by the project areas. It lists the different bodies engaged in the fight against organised crime in the region, as well as the bodies involved in the international co-operation in criminal matters: their setup, legislative basis and the functions they perform. It is intended as a helpful reference tool for those involved in international co-operation in criminal matters.

ALBANIA

I. INSTITUTIONS IN CHARGE OF THE FIGHT AGAINST ORGANISED CRIME

Organised crime has increasingly become an international concern which threatens the very foundations of the present-day world order. Developing countries like Albania, which need investment in order to develop, are prone to becoming infested with the organised criminal activity. To cope with this multifaceted, highly sophisticated phenomenon, Albania has adopted a multidisciplinary approach and has set up complex structures to fight organised crime. In accordance with the needs identified in the struggle against organised crime, the responsibility for combating it is not vested solely in the State Police but shared between a number of institutions. Following are the main bodies involved in the fight against organised crime in Albania:

- 1) Ministry of Interior,
- 2) Ministry of Justice,
- 3) General Prosecution,
- 4) State Intelligence Service,
- 5) Ministry of Finance.

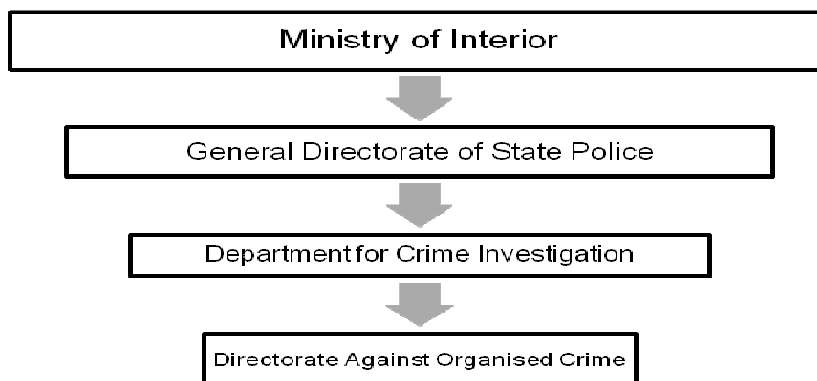
A detailed description of these structures is set out below.

1. Ministry of Interior

The Ministry of Interior (State Police) is in charge of conducting operations to detect organised crime, dismantle criminal networks and arrest the perpetrators. The General Directorate of State Police is a central body placed under the supervision of the Ministry of Interior. Having competence over the whole territory of the Republic of Albania, the State Police operates through its Regional Police Directorates.

Within the State Police the fight against organised crime is a specific responsibility of the Directorate against Organised Crime, which is a part of the Department for Crime Investigation in the General Directorate of State Police. Officers employed by these structures are responsible for the collection of information and are under obligation to co-operate with the Prosecution. The powers vested in these structures are related to the collection of information, control of organised crime and the gathering of evidence to enable the detention of perpetrators.

The following figure shows the line of subordination:



1.1 The Directorate against Organised Crime has the responsibility to co-ordinate, control, prevent, detect and combat organised crime, mainly related to narcotics and illegal trafficking. It consists of three sectors:

- Sector against Illicit Traffics;
- Sector against Narcotics and
- Sector for Special Operations.

1.1.1 Sector against Illicit Traffics

The Sector against Illicit Traffics has the duty to co-ordinate, control, prevent, detect, document and terminate criminal activities related to illegal trafficking. This sector is part of the Directorate against Organised Crime under the Department for Crime Investigation at the General Directorate of State Police in the Ministry of Interior. This Sector combats criminal activity related to:

- Trafficking in human beings (Art. 110/a of Penal Code);
- Prostitution (Art. 113 of Penal Code);
- Exploitation of prostitution (Art. 114 of Penal Code);
- Exploitation of prostitution in aggravating circumstances (Art. 114/a of Penal Code);
- Trafficking in women for prostitution (Art. 114/b of Penal Code);
- Use of premises for prostitution (Art. 115 of Penal Code);
- Trafficking in minors (Art. 128/b of Penal Code);
- Trafficking in works of art and culture (Art. 138/a of Penal Code);
- Trafficking in motor vehicles (Art. 141/a of Penal Code);
- Trafficking in weapons and ammunition (Art. 278/a of Penal Code);
- Trafficking in explosive, poisoning or radioactive substances (Art. 282/a of Penal Code);
- Assisting illegal crossing of state borders (Art. 298 of Penal Code).

1.1.2 Sector against Narcotics

The Sector against Narcotics represents the highest central police body responsible for combating criminal activity related to narcotics. Its prime responsibility is to co-ordinate, investigate and carry out operational and administrative procedures related to narcotic substances. It is also responsible to implement the tasks assigned to the police by the Penal Code and other relevant legislation, as well as to co-ordinate the activities of the Regional Sections against Narcotics (regional offices) and other structures involved in the fight against drugs at the local level. In addition, the Sector has the duty to co-ordinate international police co-operation in the fight against illicit drug trafficking.

1.1.3 Sector for Special Operations

The Sector for Special Operations is part of the Directorate against Organised Crime under the Department for Crime Investigation at the General Directorate of State Police at the Ministry of Interior. It has the duty to collect information by using special investigative techniques and tools, on activities connected with organised crime. It is also responsible for verifying information upon request from other sectors in the Directorate or on its own initiative. Its main operations include:

- Secret surveillance:
 - a) Conventional;
 - b) Equipment-assisted.
- Telephone interceptions
- Simulations:
 - a) Simulated purchase;
 - b) Police infiltrations;
 - c) Controlled delivery.

1.1.4 Local structures

The Directorate against Organised Crime controls the Sectors against Organised Crime in the 12 police directorates at the regional level. All 12 sectors contain a Section against Narcotics and a Section against Illicit Traffics. Sections at the regional level report to the chief of Sectors at the centre: for e.g. Section against Narcotics reports to the chief of the Sector against Narcotics at the Directorate against Organised Crime.

2. Ministry of Justice

The Ministry of Justice contributes to the fight against organised crime and illicit traffics by drafting legislation and elaborating policies designed to strike perpetrators and networks involved in criminal activity.

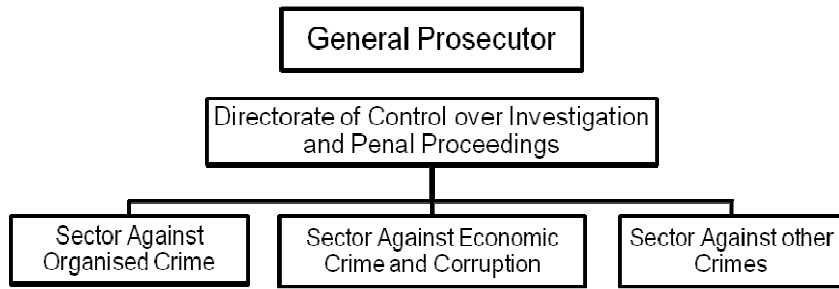
3. General Prosecution

According to the Albanian Constitution, Prosecution is a centralised body headed by the General Prosecutor. Its responsibilities are to investigate, initiate and conduct criminal proceedings, to represent the state in court in criminal proceedings, to defend the public interest, to assist law enforcement agencies and to execute court decisions in criminal cases.

Organised crime and corruption occupies a central place in the work of the Prosecution. It plays the main role in the investigation of organised crime and the complete detection of authors of criminal activity and in securing of evidence of criminal activity. It also proposes sanctions against perpetrators of criminal activity. The Prosecution also oversees the lawfulness of application of the new investigative methods and techniques in the effort to uncover organised crime and terrorist activity, as well as to obtain legal evidence of criminal activity.

Prosecutors from the General Prosecution Office engage in criminal proceedings at the High Court. At the General Prosecution Office organised crime is handled by the Directorate of Control over Investigation and Penal Proceedings. This latter consists of the Sector against Organised Crime, the Sector against Economic Crime and Corruption and the Sector against other Crimes.

Along with the Sector against Organised Crime, the Sector against Economic Crime and Corruption plays an important role in the fight against organised crime. The following chart shows the line of subordination of these structures:



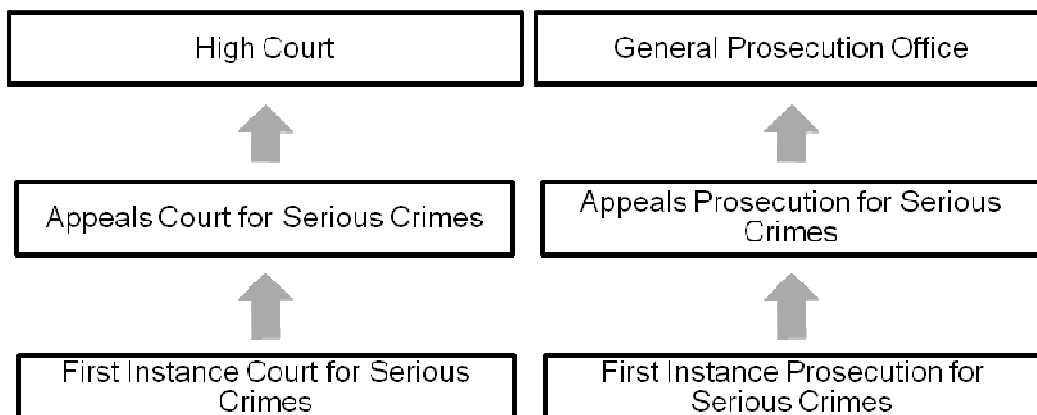
The organisation of prosecution structures in Albania is in line with the organisation of the court system. In accordance with the court system, Prosecution is organised as follows:

- Prosecution at the High Court is carried out by prosecutors of the General Prosecution Office.
- Prosecution at the Appeals Courts is carried out by prosecutors' office at every Appeals Court. Their jurisdiction covers the same territory as the respective Appeals Court.
- Prosecution at the First Instance Courts is carried out by the prosecutors' office at the respective First Instance Court. Their territorial jurisdiction covers the same area as that of the respective First Instance Court.

The first instance and appeals prosecutors' offices are not divided into directorates or sectors. Instead, labour is divided in accordance with prosecutors' area of specialisation.

Following the entrance into force of Law No. 9110 of 24 July 2003 "Concerning the Organisation and Functioning of the Courts for Serious Crimes", two such courts were established at the first and second instances in the capital city, Tirana. The High Court remains the third instance for the adjudication of serious crimes, too. In response to this development in the court system, Prosecution established its own structures to address serious crimes. Accordingly, Prosecution for Serious Crimes is organised in the first and second instances, as are the courts for serious crimes. The offices of Prosecution for Serious Crimes have no formal divisions and subdivisions.

General Prosecution Office conducts prosecution at the High Court. All serious crimes, including organised crime, are prosecuted and adjudicated only in Tirana. The following chart illustrates the above mentioned organisation:



4. State Intelligence Service (SIS)

The activity of SIS is linked to the major objectives Albania must achieve with the view to European integration. Such objectives include addressing with the threats posed by international terrorism, or other threats posed by organised crime, illicit traffics, including in drugs, smuggling, corruption, tax evasion and other illegal activities that may affect the security of the country.

As the main institution for qualified intelligence in the field of national security, SIS works in close collaboration with other institutions and structures, especially with the Ministry of Interior. This collaboration consists not only in the sharing and exchanging of classified information, but also in specific joint operations.

Article 3 of the “Law on State Intelligence Service” provides that *‘the State Intelligence Service collects information from abroad for purposes of protecting national security and carries out counter-intelligence to defend the country’s integrity, independence and the constitutional order. It collects information on terrorism, production and trafficking of narcotic substances, manufacture of weapons of mass destruction, environmental crimes, organised crime and other crimes encroaching on national security’*.

SIS has established specific structures to carry out the necessary operations for the detection and prevention of organised crime and other criminal activities. It should be pointed out that SIS only has the responsibility to collect, process and verify intelligence information, which is then made available to other state institutions. Under no circumstances is SIS entitled to obtain and secure evidence. SIS co-operates with these other institutions by way of exchange of information, enabling them to arrange for the arrest of perpetrators.

To combat organised crime, SIS has established two directorates which report directly to the head of the SIS:

- Directorate against Organised Crime and
- Directorate against Illicit Traffics and Terror.

4.1 Directorate against Organised Crime

The Directorate has two main branches which deal with the criminal activity:

- 1) Branch against crimes related to corruption;
- 2) Branch against economic/fiscal crimes: tax evasion, money laundering, etc.

4.2 Directorate against Illicit Traffics and Terror

This Directorate is also made up of two branches as follows:

- 1) Branch against illicit traffics of all kinds such as: narcotics, weapons, human beings, culture and/or arts works, human transplants, etc;
- 2) Branch against Terror.

The two directorates mentioned above under pp. 4.1 and 4.2 are supported by the Operational Directorate of Surveillance Techniques and by the Directorate for Interceptions. Information collected by these two units is passed on to the directorate that made a request for collecting information through these means. Interceptions of telephone conversations and other means of communication require an express

approval by the head of SIS, following prior endorsement by the prosecution, which in turn has to obtain a court warrant.

With regard to international organised crime or crimes initiated outside state borders, an important part is played by the Intelligence Directorate which runs operations for collecting information from overseas and foreign countries.

With the exception of interceptions, all other information and data is submitted to the Directorate of Analysis, whose task is to make sure that information received from the directorates listed above is complete, verifiable and up to the standards required for submission to the relevant state institutions. Whenever information and data fail to comply with these requirements, the Directorate of Analysis is bound to return it to the source directorate for further verification. The following chart illustrates the organisation of SIS central structures that combat organised crime:



4.3 SIS local structures

SIS also has established presence at the local level in all regions of the country. These regional offices are composed of two branches:

- 1) Branch against Organised Crime, Illicit Traffics and Terror;
- 2) Branch of Counter Intelligence.

The Branches against Organised Crime, Illicit Traffics and Terror at the regional level engage into activities to detect and/or collect information on their own initiative or upon the request of the respective directorates at the central level. The regional offices do not have a branch for analysis. As a result, collected information is sent to the central level, initially to the respective directorates and, in the last instance, to the Directorate of Analysis.

5. Ministry of Finance

Under this Ministry the following units are responsible for the fight against organised crime:

- General Tax Directorate;
- General Directorate of Customs and
- General Directorate for Money Laundering Prevention.

5.1 General Tax Directorate

Albanian authorities are currently working on Cross-Cutting Strategy on the Fight against Organised Crime, Illicit Traffics and Terrorism, which is expected to become operational in the near future. According to this Strategy, the tax administration should co-operate with the General Directorate for Prevention of Money Laundering, the General Prosecution and the State Police for the purpose of the identification of activities related to money laundering and crimes of an economic nature. To comply with the Strategy, the General Tax Directorate shall establish a special unit dedicated to the fight against economic and fiscal crimes. This unit is expected to have local branches in the regions, too.

5.2 Customs Services

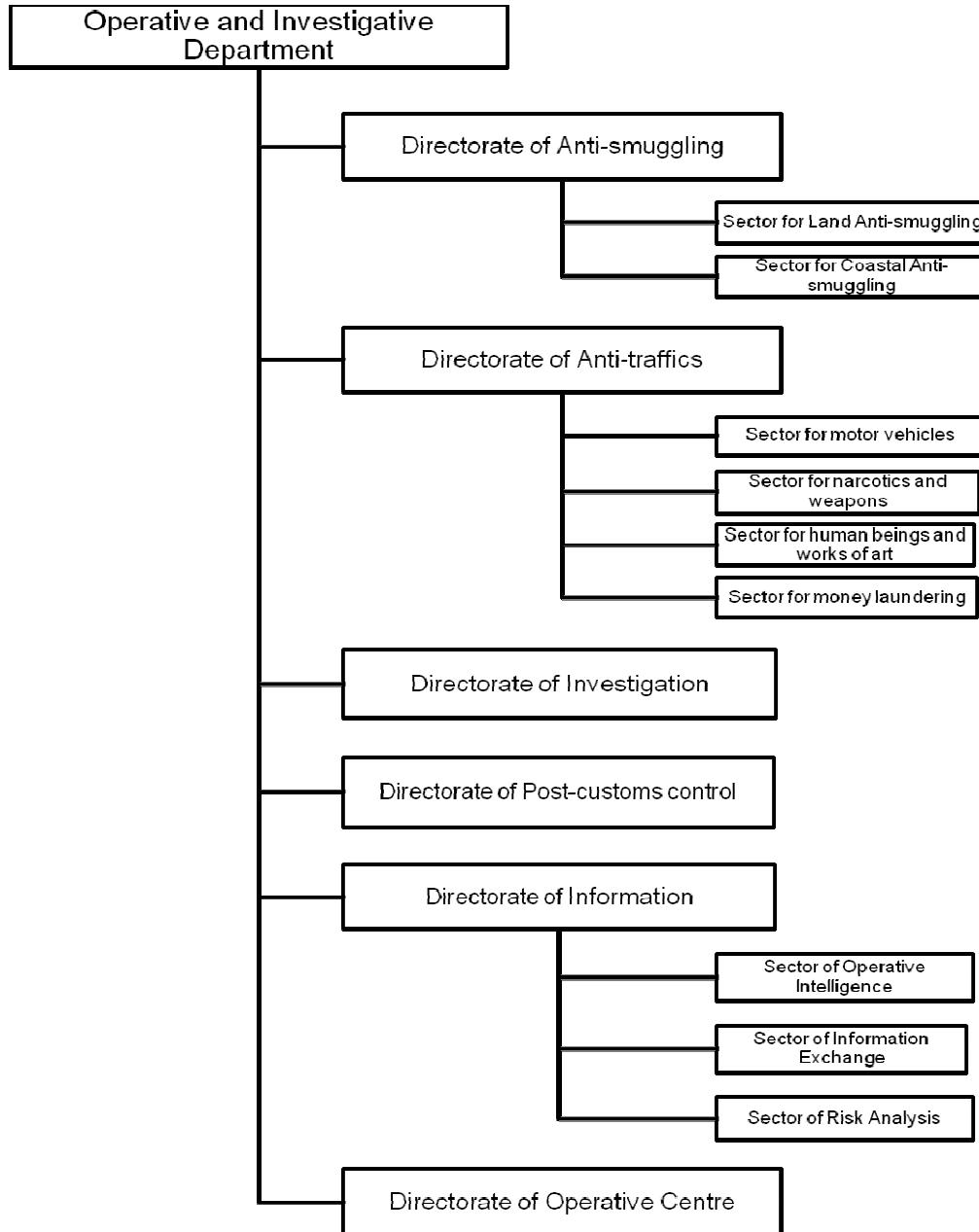
The General Directorate of Customs (GDC) operates under the subordination and oversight of the Ministry of Finance. Apart from its routine activities, the Albanian customs service has an important role to play in the fight against organised crime. The GDC carries out its duties in the fight against organised crime through:

- Control of illicit traffic of weapons, explosives and poisonous substances;
- Control of illicit traffic of narcotics and psychotropic substances;
- Control of “dirty” money;
- Control of import, export and transit of smuggled goods.

The General Directorate of Customs oversees 5 Regional Directorates of Customs. The GDC itself is organised in three departments:

- 1) The Administrative Department;
- 2) The Technical Department;
- 3) The Operative and Investigative Department.

Every department is headed by a deputy general director. The Operative and Investigative Department is a central body with no regional offices. This unit of the GDC is charged specifically with the fight against organised crime. The department consists of six directorates, some of which are divided into sectors. The following chart illustrates the structure of the Operative and Investigative Department:



5.3. General Directorate for the Prevention of Money Laundering (GDPML)

GDPML is a central body under the Minister of Finance. The GDPML is made up of two directorates: the Directorate of Analysis and Monitoring and the Directorate for Oversight and Prevention. These two directorates allow the GDPML to carry out the functions of a financial intelligence unit. The GDPML represents a national centre and is responsible for the collection, analysis and dispatch to the competent authorities of information related to money laundering and/or possible financing of terrorism. The information is collected on the basis of the financial reports submitted by the subjects as provided for by the law. The Unit concerns itself with financial transactions above certain limits as defined by the law, other incidents raising suspicion, as well as with the monies in cash declared to the customs.

The mission of the GDPML is to:

- Prevent money laundering and financing of terrorism through the collection, verification, assessment, control and retention of information, suspension, blocking and freezing of all transactions for the purpose of preventing the transfer, alienation, transit of assets and products deriving from criminal activity;
- Co-ordinate efforts with other law enforcement bodies, such as the Ministry of Interior, the General Prosecution and State Intelligence Service as well as with international counterparts and international organisations;
- Elaborate co-operation programmes and draft mutual assistance agreements with foreign countries for the purpose of preventing money laundering activities pursuant to the international conventions signed and ratified by Albania.

GDPML has the following specific duties:

- To collect reports submitted by subjects of the law; to verify data contained in the submitted reports; inspect the implementation of procedures related to reporting; ask for additional data from the subjects.
- To administer fines or to suspend the activities of the subjects toward the prevention of all acts related to the transfer or alienation of assets or proceeds deriving from criminal activity.
- To co-operate with national and international authorities towards the identification and location of the source of proceeds and collection of information related to such proceeds.
- To sign technical agreements with counterpart institutions and agencies charged with similar duties in other countries.
- To prepare bi-annual reports on its activity and submit them to the National Committee for Interagency co-operation in the Fight against Money Laundering and to other institutions involved in the fight against money laundering, organised crime and financing of terrorism.
- To develop independent management information systems and to institute measures for their protection, security and prevention of access by unauthorised persons.

5.3.1 The Contact Group and the National Committee for Interagency Co-operation in the Fight against Money Laundering

To fulfil the obligations deriving from international conventions and in order to improve the work for the identification, detection, freezing, blocking and confiscation of money, other assets, proceeds, products, profits and gains deriving from criminal activity, in particular from organised crime, as well as for purposes of bringing to justice the subjects of this criminal activity and deterring others from engaging into such acts, the Albanian authorities decided to establish a special Contact Group. The membership of the Contact Group is as follows:

- General Director of GDPML, who chairs the group;
- Representative of the Ministry of Interior (member);
- Representative of the General Prosecution (member);
- Representative of the State Intelligence Service (member);
- Representative of the Central Bank of Albania (member).

The Group meets at least once a month to agree on joint tasks. It meets no less than once every three months in the presence of the ministers and heads of institutions represented in the Contact Group. The results of their work are made available to the Government.

Members of the Group maintain regular contact with the heads of their institutions and constantly report to them on achievements and problems concerning their membership in and contribution to the Contact Group.

By its Decision No. 1 of 23 March 2004 the Council of Ministers has established the National Committee for Interagency Co-operation in the Fight against Money Laundering. The Committee is chaired by the Prime minister; its membership includes:

- The General Prosecutor;
- The Head of the Central Bank of Albania;
- The Minister of Foreign Affairs;
- The Minister of Defence;
- The Minister of Interior,
- The Minister of Finance;
- The Minister of Justice;
- The Head of the State Intelligence Service.

The duties of the Committee are:

- To define directions of the state policy in the fight against money laundering and financing of terrorism;
- To review and analyse the bi-annual reports submitted by the GDPML as well as the reports and documents from international agencies and organisations involved in the fight against money laundering;
- To review the reports submitted by the Central Bank of Albania (Department of Oversight) which is bound to notify the GDPML whenever suspicion arises;
- To ensure the implementation of adequate programmes and strategies in the fight against money laundering;
- To take steps to design and enforce the necessary regulations towards ensuring the integrity and efficiency of institutions in order to neutralise the efforts of criminal individuals and groups to influence or interfere with the work of these institutions;
- To make available specialised support whenever requested by the relevant authorities;
- To alert state institutions whenever a red flag is raised.

II. INSTITUTIONS IN CHARGE OF INTERNATIONAL JUDICIAL CO-OPERATION

1. Ministry of Justice

The Ministry of Justice is the only institution in the Republic of Albania in charge of international judicial co-operation. Within the Ministry this function is carried out by the Directorate for Foreign Jurisdictional Relations and Integration under the General Directorate for Codification.

The Directorate for Foreign Jurisdictional Relations and Integration is made up of 3 sectors:

1. Sector of Inter-judicial Co-operation
2. Sector of Official Translations
3. Sector of European Integration and International Relations

1.1 Sector of Inter-judicial Co-operation

This sector serves as a channel of communication between the Albanian and foreign authorities engaged in international judicial co-operation in both civil and criminal matters. A range of treaties to which Albania is a party provide for mutual recognition and enforcement of court judgements, performance of procedural acts and resolution of various legal issues. All requests that are based on provisions of such treaties, either made by the Albanian authorities or received from foreign authorities, pass through the Sector of Inter-judicial Co-operation.

1.2 Sector of Official Translations

This sector is responsible for the official translation, as it may become necessary, of all legal acts from Albanian into foreign languages, or of pieces of foreign legislation into the Albanian language. It is also responsible for producing the official translation of international agreements and instruments into Albanian. In carrying out this task the Ministry is assisted by 94 freelance translators selected through a competition.

1.3 Sector of European Integration and International Relations

The main task of the Sector of European Integration and International Relations is to prepare quarterly reports regarding the compatibility of Albanian legislation with the international agreements to which Albania is a party. For this reason, in its work the sector relies on the constant communication with the Ministry of Foreign Affairs and the Ministry of European Integration, towards ensuring the implementation of the Stabilisation and Association Agreement and other international obligations.

In addition, this sector provides qualified legal opinions to other institutions in relation to international agreements. Qualified legal advice is made available whenever government agencies intend to sign international agreements, or whenever there is a need to clarify situations arising from provisions in treaties that are directly applicable.

In relation to international judicial co-operation in criminal matters, assistance is also provided by the Directorate of Foreign Jurisdictional Relations at the General Prosecution Office. This directorate is responsible for the preliminary screening of requests by Albanian Prosecution to foreign authorities. However, it should be borne in mind that according to the Albanian legislation, only the Ministry of Justice, through its Directorate for Foreign Jurisdictional Relations and Integration, is entitled to communicate with foreign authorities in matters concerning international judicial co-operation.

BOSNIA AND HERZEGOVINA

Introduction

The Stabilisation and Association Agreement signed by Bosnia and Herzegovina on 16.06.2008 and ratified on 05.11.2008 discusses the fight against organised crime in detail in Chapter VII (Justice, Freedom and Security), laying down provisions on co-operation between Bosnia and Herzegovina and the European Union and its member states in the following areas: reinforcement of institutions and rule of law, protection of personal data, visas and border management, asylum and migration, prevention and control of illegal immigration, readmission, money laundering and financing terrorism, co-operation with regard to illicit drugs, combating and prevention of terrorism and organised crime and other illegal activity.

The international evaluation ranks Bosnia and Herzegovina among the countries with a high safety risk with regard to organised crime and corruption. Bosnia and Herzegovina is actively involved in various regional initiatives related to combating organised crime and corruption.

Specific organisations and institutions dealing with prevention, detection, disclosure, registration and prosecution of organised crime in Bosnia and Herzegovina are as follows:

- Bureau for Co-operation with Interpol, Sector for Fight against Terrorism, Organised Crime and Abuse of Narcotics, Sector for International Co-operation within the Ministry of Security of Bosnia and Herzegovina,
- Department of Crimes and Investigations, Financial and Information Section and Operational Support Section within the State Investigation and Protection Agency,
- Prosecutor's Office of Bosnia and Herzegovina, Prosecutor's Office of the Federation of Bosnia and Herzegovina, Prosecutor's Office of Republika Srpska and Public Prosecutor's Office of the Brčko District of Bosnia and Herzegovina (Brčko District),
- Sector of Criminological Police Administration within the Ministry of Interior of the Federation of Bosnia and Herzegovina,
- Administration of Criminological Police within the Ministry of Interior of Republika Srpska,
- Sector for International and Inter-Entity Legal Assistance and Co-operation,
- Other state bodies.

1. Departments within the Ministry of Security of Bosnia and Herzegovina

1.1 Bureau for Co-operation with Interpol

The Bureau performs tasks relating to the establishment of co-operation with criminal police, judiciary and other bodies aiming at combating all means and forms of crime, in particular of the following categories:

- acts against life and limb, dignity of person and public morals,
- acts against property,
- acts against economy,
- acts of international white-collar crime,
- acts of terrorism and war crimes,
- other types of international crime.

The Bureau performs the following tasks:

- referral of requests received from international police and judiciary to competent bodies in Bosnia and Herzegovina and vice versa,
- maintenance of contacts and co-operation with regional police and other organisations tasked to suppress crimes with transnational element (EUROPOL, SECI, etc.) in accordance with international documents on co-operation signed by Bosnia and Herzegovina.

The Bureau consists of:

- the Director's Office,
- the Department for communications,
- the Department for operative tasks,
- the Department for analytical-information tasks and planning,
- the Department for regional co-operation (SECI, EUROPOL etc.).

1.2 Sector for combating terrorism, organised crime and abuse of narcotics

The Sector is responsible for supervising the timely and effective implementation of the laws and other regulations related to:

- combating terrorism,
- combating organised crime,
- combating abuse of narcotics.

The Sector co-ordinates activities and co-operates with the Agencies within the Ministry of Security and other relevant institutions in Bosnia and Herzegovina in the area of combating terrorism; it also co-operates with international organisations.

The following sections are established within the Sector:

- Section for combating terrorism,
- Section for combating organised crime,
- Section for combating abuse of narcotics.

1.3 Sector for International Co-operation:

The Sector has, inter alia, the following competencies:

- to initiate, represent and co-ordinate the participation of Bosnia and Herzegovina in international bilateral and multilateral meetings and conferences,
- to prepare international agreements, memoranda and proposals for adoption of decisions on ratification of international conventions; to ensure adoption of international police standards, to define priorities and policies, to perform harmonisation activities according to the Schengen Agreement,
- to undertake the necessary activities with the view to developing international co-operation,
- to harmonise the relevant legislation of Bosnia and Herzegovina with the *acquis communautaire* (EU law).

Other Sectors within the Ministry of Security of Bosnia and Herzegovina:

- Sector for analytics, evaluation and strategic analyses,
- Sector for immigration,
- Sector for asylum,

- Sector for information and telecommunication systems,
- Sector for protection of secret data,
- Sector for protection of borders and public security,
- Office for Inspections.

2. State Investigation and Protection Agency (SIPA)

SIPA was established in 2004 in accordance with the Law on State Investigation and Protection Agency (Official Gazette Nos. 27/04, 35/05) as an administrative organisation of the Ministry of Security of Bosnia and Herzegovina. SIPA has operational independence, and it is established to perform police activities. The Director heads the Agency and reports to the Minister of Security of Bosnia and Herzegovina on his and SIPA's performance. SIPA may co-operate with international police forces and other similar bodies. Co-operation can include exchange of data and joint operational activities within SIPA's scope of competence. Administrative and other bodies, services and other institutions in Bosnia and Herzegovina, Ministries of Interior of the Entities and Cantons, customs and tax authorities, financial police, bodies for liaising with Interpol, competent bodies in Brčko District of Bosnia and Herzegovina and other relevant bodies are obliged to co-operate with SIPA and to provide assistance upon SIPA's request. In turn, SIPA itself is also obliged to provide assistance to other institutions and agencies upon their request.

Departments within SIPA dealing with combating organised crime are:

2.1 Department of Crimes and Investigations (KIO) deals with:

- prevention, detection and investigation of the crimes that fall within the jurisdiction of the Court of Bosnia and Herzegovina,
- revealing and arresting the perpetrators of criminal offences, bringing them to a Prosecutor's Office under the supervision of the prosecutor, following his guidelines and instructions,
- providing technical support to the Department of Finance and Information,
- collecting information and statistics on criminal offences, following and analysing the safety levels and circumstances brought about by crime and its increase, organising and performing technical and crime-related tasks.

The Crimes and Investigation Department includes the following sections:

- Section for the Fight against Terrorism and Illicit Trade – ABHO,
- Section for the Prevention and Detection of Financial Crime and Corruption,
- Section for the Prevention and Detection of Organised Crime,
- Section for the Prevention and Detection of Trafficking in Human Beings,
- Section for the Prevention and Detection of Drug-Related Crimes,
- Section for the Prevention and Detection of Other Crimes,
- Section for the Crime and Intelligence Related Operations.

Section for the Fight against Terrorism and Illicit Trade (ABHO):

- prevents, detects and investigates the acts of terrorism and the crimes of illicit trade in nuclear material and chemical and biological weapons; also responsible for studying the conditions under which these crimes are committed and their pattern;
- plans and carries out police activities in order to find solutions for the most intricate cases;
- co-operates with the other organisational units within SIPA;
- works on joint operational and investigative activities in its area of competence together with the Regional Offices Teams;

- provides expert support to the Regional Offices;
- analyses reasons and circumstances of emergence of the relevant criminal phenomena and proposes prevention measures;
- establishes the necessary work schedules, submits reports and other similar analytical materials.

Section for the Prevention and Detection of Financial Crime and Corruption:

- prevents, detects and investigates financial crime and corruption falling within the jurisdiction of the Court of Bosnia and Herzegovina; studies conditions for the emergence and forms of crime and its patterns in own area of competence;
- plans and carries out police activities in order to find solutions for the most intricate cases;
- co-operates with other organisational units within SIPA within own scope of competence;
- carries out joint operational and investigative activities in own area of competence together with the Regional Offices Teams; provides expert support to these Teams;
- analyses reasons and circumstances of emergence of the relevant criminal phenomena, proposes prevention measures,
- establishes the necessary work schedules, submits reports, information and other similar analytical materials.
 - Investigation Team for economic crime and tax fraud prevents, detects and investigates offences related to the economy and establishment of a single market, taxation area and analyses the status and forms of relevant criminal phenomena.
 - Investigation Team for criminal offences related to corruption, import taxes and criminal offences against professional liability prevents, detects and investigates offences related to corruption, analyses the status and forms of relevant criminal phenomena.

Section for the Prevention and Detection of Organised Crime:

- prevents, detects and investigates the organised crime and studies the conditions for the emergence of this type of crime and its patterns within the area of competence,
- plans and carries out police activities in order to find solutions for the most intricate cases,
- works on joint operations and investigations together with the Regional Offices Teams and provides expert support to them,
- monitors, investigates and documents the money flow within this type of crimes,
- analyses conditions and circumstances for the emergence of this type of crimes, proposes prevention measures,
- establishes the necessary work schedules, submits reports, information and other similar analytical materials.

Section for the Prevention and Detection of Trafficking in Human Beings:

- prevents, detects and investigates this type of crime; studies the conditions for emergence of this criminal phenomenon its patterns within own area of competence,
- plans and carries out police activities in order to find solutions for the most intricate cases,
- carries out joint operations and investigations with the Regional Offices Teams and provides expert support to them,
- monitors, investigates and documents the financial flows related to this type of crime,
- analyses conditions and circumstances for the emergence of these crimes, proposes prevention measures, creates the necessary work schedules, submits reports, information and other similar analytical materials.

Section for the Prevention and Detection of Drug-Related Crimes:

- prevents, detects and investigates drug-related crime and studies the conditions for emergence of this criminal phenomenon and its patterns within own area of competence,
- plans and carries out police activities in order to find solutions for the most intricate cases,
- carries out joint operations and investigations together with the Regional Offices Teams and provides expert support to them,
- monitors, investigates and documents the financial flows related to this type of crime,
- analyses the conditions and circumstances for the emergence of these crimes, proposes prevention measures,
- establishes the necessary work schedules, submits reports, information and other similar analytical materials.

Section for the Prevention and Detection of Other Crimes:

- prevents, detects and investigates criminal offences provided for in the Criminal Code of Bosnia and Herzegovina that do not fall within the jurisdiction of the other Sections,
- studies the conditions for the emergence of these types of crime and its patterns in own area of competence,
- plans and carries out police activities in order to resolve the most intricate cases of this type of crimes;
- carries out joint operations and investigations together with the Regional Offices' Teams and provides expert support to them,
- analyses the conditions and circumstances relevant for the emergence of these crimes, proposes prevention measures,
- establishes the necessary work schedules, submits reports, information and other similar analytical materials,
- co-operates internally and externally with relevant bodies,
- performs other tasks.

Section for the Crime and Intelligence Related Operations:

- gathers crime-related information in an organised and co-ordinated way, with the help of field officers located at the headquarters and at Regional Offices; gathers information related to the crime falling within the jurisdiction of SIPA,
- gathers information and data required for monitoring and analysing safety levels and circumstances assisting the emergence and increase of crime, information relevant to ensuring the safety of public persons and premises under protection; collects information concerning persons, groups and organisations that can be brought into connection with criminal activities,
- co-operates with informants and undercover investigators,
- evaluates the collected information and data,
- performs analytical research and analytical combinations of the information; monitors and studies crime trends,
- exchanges information with the authorised national and international institutions and agencies,
- ensures that precautionary measures are taken when performing special investigative procedures for the purpose of collecting information and evidence; co-operates with the Operational Support Services when specific investigative activities are to be performed,
- runs an intelligence data-base and makes required records; makes record of the funds spent during implementation of special investigative procedures and operational tasks; makes necessary plans and reports and performs other tasks.

2.2 Operational Support Department (FOO) became a full member of the Egmont Group (association of financial and information intelligence agencies worldwide) on 29 June 2005; it has the following duties:

- to receive, collect, analyse, document, investigate and forward to the Chief Prosecutor information, documents and data related to the prevention of money-laundering and hindrance of financial support of terrorist activity,
- to set up international co-operation regarding the prevention and investigation of money laundering and hindrance of financial support of terrorist activity,
- to provide expert assistance to the Chief Prosecutor in the field of financial and information intelligence,
- to protect, investigate and detect money laundering and to hinder financial support of terrorist activity, according to the Law on Prevention of Money Laundering,
- to promote co-operation and exchange of information with competent bodies of other countries and international organisations dealing with money laundering and hindrance of financial support of terrorist activity,
- to promote co-operation and exchange of information with competent bodies of Bosnia and Herzegovina, Federation of Bosnia and Herzegovina, Republika Srpska and Brčko District within its area of competence.

The duties of the Operational Support Department are carried out by the following sections:

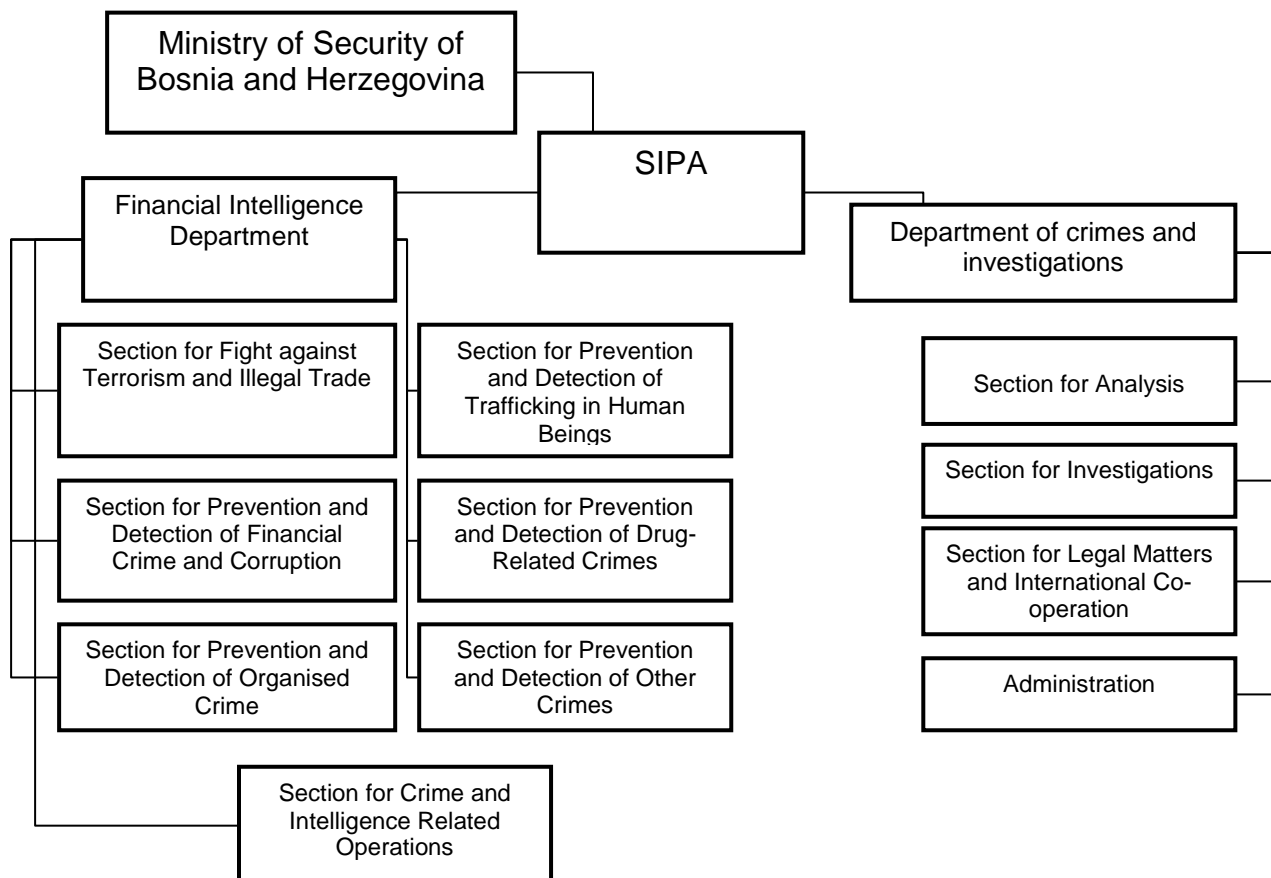
- Section for Analysis,
- Section for Prevention and Investigation of Money Laundering and Financing of Terrorism Activity,
- Section for Legal Matters and International Co-operation,
- Administration Section.

Other organisational units of SIPA are:

- Director's Office
- War Crimes Investigation Centre
- Witness Protection Department
- Department for Protection of Persons and Buildings
- Internal Control Department
- Special Support Unit
- Operative Support Service
- Service for Administration and Internal Support
- Service for Material and Financial Matters

Regional Offices of SIPA:

- Regional Office in Banja Luka
- Regional Office in Mostar
- Regional Office in Sarajevo
- Regional Office in Tuzla



3. Border Police of Bosnia and Herzegovina (BP)

The Border Police of Bosnia and Herzegovina started its operational work on 6 June 2000; a new Law on the Border Police of Bosnia and Herzegovina (State Border Service) adopted in October 2004 defines the Border Police of Bosnia and Herzegovina as an administrative organisation with operational independence within the Ministry of Security of Bosnia and Herzegovina. The Border Police was established for the purpose of performing police tasks linked to the surveillance of borders of Bosnia and Herzegovina and to the control of border crossing, as well as other tasks provided for in the Law. The Border Police is managed by its director, deputy director and assistant director for organisation and operations.

The tasks of the Border Police of Bosnia and Herzegovina are, inter alia, as follows:

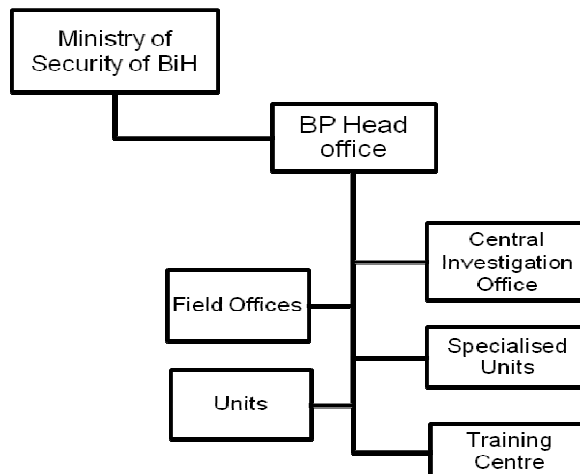
- Prevention, detection and investigation of certain criminal acts provided for in the Criminal Code of Bosnia and Herzegovina, including:
 - a. criminal acts directed against the security of state border or against the operations and tasks of Border Police; or
 - b. criminal acts that must be processed in accordance with provisions on the abuse of official documents which serve as proof of identity, provisions on travel documents and obligation to possess a visa, provisions on movement and stay of aliens and asylum, if these criminal offences are committed while crossing the state border or if they are directly linked with crossing the state border; or

- c. criminal acts concerned with the transport of illicit goods across the state border, goods without official authorization or in the cases of violation of existing prohibition if Border Police is assigned to supervise such authorizations or prohibitions on the basis of the other regulations or administrative agreements with bodies competent for such proceedings;
- Prevention, detection and investigation of other criminal acts upon the request of the competent body;
- Providing police support to the organisational units within the Ministry of Security for the implementation of the Law on Movement and Stay of Aliens and Asylum and other regulations in force in this field;
- International border police co-operation, encompassing activities of foreign police agencies on the territory of Bosnia and Herzegovina and activities of Border Police on foreign territory, co-operation with foreign security agencies and exchanging police liaison officers.

The Border Police is organisationally structured so as to ensure the co-ordination of all activities at the central, regional and local level. The organisational units of the Border Police are:

1. The Head Office
2. Field Offices
3. Units
4. The Central Investigation Office
5. Specialised Units
6. the Training Centre

4. Prosecutors' Offices in Bosnia and Herzegovina



4.1 Prosecutor's Office of Bosnia and Herzegovina

The jurisdiction and scope of competence of the State Prosecutor's Office are defined by the Law on Prosecutor's Office of Bosnia and Herzegovina (Official Gazette of Bosnia and Herzegovina Nos. 24/02, 3/03, 37/03, 42/03, 9/04, 35/04, 61/04). The State Prosecutor's Office is, inter alia, responsible for:

- conducting investigation of criminal offences falling within the jurisdiction of the Court of Bosnia and Herzegovina in application of the Criminal procedure Code of Bosnia and Herzegovina and other applicable laws;

- prosecution of criminal offenders before the Court of Bosnia and Herzegovina, according to the Criminal Procedure Code of Bosnia and Herzegovina and other applicable laws;
- receiving requests for international legal assistance in criminal matters pursuant to the laws, multilateral and bilateral agreements and conventions, including for extradition or transfer of persons wanted by courts or other authorities of other States, or by international courts or tribunals and located on the territory of Bosnia and Herzegovina;
- producing statistic reports on its activities (Progress Reports), including information on the crime situation in Bosnia and Herzegovina; revealing the major trends;
- the Chief Prosecutor may propose legal reforms.

Special departments are established within the Prosecutor's Office of Bosnia and Herzegovina, such as the Special Department for War Crimes and the Special Department for Organised Crime, Economic Crime and Corruption.

The Special Department for War Crimes was established to prosecute cases before the national judicial institutions and to take over the role of the ICTY Rules of the Road Unit, which had been reviewing war crime cases before its closure. The Special Department for War Crimes is responsible for prosecution of war crime cases committed in the territory of Bosnia and Herzegovina during the armed conflict that took place from 1992 to 1995.

Prosecution of perpetrators of organised, economic crime and corruption is the competence of the Special Department for Organised Crime, Economic Crime and Corruption. The crimes in question include corruption involving employees of public institutions of Bosnia and Herzegovina, economic and financial crimes including tax evasion, smuggling, customs fraud and money laundering as well as organised crime including, but not limited to, international trafficking in drugs and people and other similar offences provided for by the Criminal Code of Bosnia and Herzegovina.

The Prosecutor's Office of Bosnia and Herzegovina is a *sui generis* institution and it is not superior to Prosecutor's Offices of the Entities, but its jurisdiction is limited to prosecution of crimes stipulated by the criminal laws of the relevant Entities.

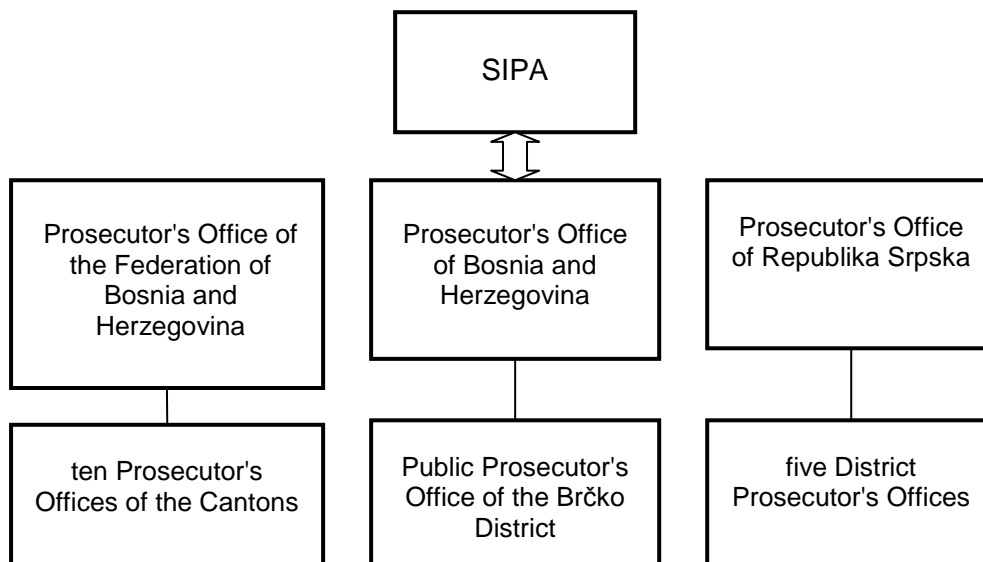
4.2 Prosecutors' Offices in the Entities of Bosnia and Herzegovina

Other prosecutor's offices in Bosnia and Herzegovina were established in accordance with the current political and administrative structure of Bosnia and Herzegovina and pursuant to the laws on prosecutor's offices of the relevant Entities whereby:

- The Prosecutor's Office of the Federation of Bosnia and Herzegovina is the "supreme" Prosecutor's Office for the ten Cantonal Prosecutor's Offices in the territory of the Federation of Bosnia and Herzegovina.
- The Prosecutor's Office of Republika Srpska is the "supreme" Prosecutor's Office for the five District Prosecutor's Offices in the territory of Republika Srpska. A Special Prosecutor's Office is established within the Prosecutor's Office of Republika Srpska to deal with the prosecution of organised crime and economic crime.
- The Public Prosecutor's Office of the Brčko District has competency on the territory of the District.

Within their territorial jurisdiction and according to the Criminal Codes of the Entities and other applicable laws the Prosecutors' Offices of the Federation of Bosnia and Herzegovina, Republika Srpska and the Brčko District are responsible for:

- conducting investigation of criminal offences,
- prosecution of criminal offenders, perpetrators of certain administrative offences and economic offences before the competent courts,
- providing international legal assistance,
- reporting on its performance and crime situation and major trends.



5. Sector of Criminological Police of the Federation of Bosnia and Herzegovina Police Administration within the Ministry of Interior of the Federation of Bosnia and Herzegovina

Pursuant to Article 14 of the Law on Interior of the Federation of Bosnia and Herzegovina (Official Gazette No. 49/05), the Federal Police Administration is established within the Ministry of Interior of the Federation of Bosnia and Herzegovina to perform operational police functions within the competence of the Ministry. The Federal Police Administration is managed by the director.

Scope of activity:

- preventing and disclosing criminal acts of international crime and terrorism and other organised-crime related offences;
- tracing and capture of criminal offenders, providing necessary evidence for prosecuting criminal offenders and handing them over to the competent authorities;
- providing criminological-technical expert opinions;
- issues and publishes INTERPOL's international, the Federation of Bosnia and Herzegovina and inter-cantonal pursuits;
- providing security services to eligible persons and premises in the Federation of Bosnia and Herzegovina;
- safeguarding human rights and civil freedoms in the internal affairs;
- transporting explosive substances;
- other tasks falling within its competence as established by the Law on Internal affairs of the Federation of Bosnia and Herzegovina and other regulations;
- co-operation with relevant prosecutor's offices in processing criminal cases together with police bodies in Republika Srpska, with SIPA, OSA and other institutions and organisations in the Federation of Bosnia and Herzegovina and international relevant institutions.

Sector of Criminological Police is an organisational unit of the Police Administration in charge of prevention and disclosure of the following criminal offences:

- organised inter-cantonal crimes,
- terrorism,
- illicit drug trafficking,
- corruption and money laundering,
- cybercrime,
- detecting and documenting criminal offences against humanity and values protected by international law,
- tracing and capture of criminal offenders and handing them over to the competent authorities.

Other organisational units of the Administration:

- Director's Office,
- Centre for operations and communications,
- Special police unit,
- Sector of Criminological Police,
- Centre for forensic investigations and support,
- Unit for protection of persons and premises,
- Professional standards unit,
- Sector for police support and administration,
- Department for control of production, circulation and transport of explosive materials,
- Operational telecommunications and information centre.

6. Administration of Criminological Police within the Ministry of Interior of Republika Srpska

The Police Administration within the Ministry of Interior of Republika Srpska was established by the Law on Interior of Republika Srpska (Official Gazette of Republika Srpska No. 48/03). The Administration harmonises the tasks and responsibilities of the police, centres of public security within the territory of Republika Srpska. Scope of activity of the Administration of criminological police is the following:

- prevention and detection of criminal acts of international crime and terrorism, illicit drug trafficking, organised crime and other criminal acts falling under jurisdiction of the Republika Srpska;
- tracing and capture of criminal offenders, providing the evidence for prosecuting criminal offenders and handing them over to the competent authorities;
- providing criminological-technical expert opinions;
- issues and publishes INTERPOL's international and Republika Srpska pursuits;
- co-ordinating activities with centres of public security in Republika Srpska;
- maintaining criminal and operational records;
- other tasks falling within its competence as established by the Law on Internal Affairs and other regulations;
- co-operation with the judiciary, police bodies in the Federation of Bosnia and Herzegovina, SIPA, OSA and other institutions and organisations in Republika Srpska.

It should be noted that SIPA is not a superior body to the Police Administrations of the Entities.

7. Law Enforcement Sector within Indirect Taxation Authority

The Law Enforcement Sector within the Indirect Taxation Authority is a sector with specific responsibility for the Indirect Taxation Authority. The Sector is headed by the assistant director. The mission of the Sector is:

- to detect, investigate, document and process all types of smuggling, customs and tax frauds or any other violations of the provisions in force in Bosnia and Herzegovina relevant to duties, excise duties and value added tax,
- to plan, organise and co-ordinate the activities and information on collection, classification, assessment and detection of smuggling or any other type of illegal activities related to the movement of goods or collection of duties and taxes.

Officials of the Sector are authorised to conduct thorough controls and patrolling, as well as to undertake all operational-tactical and investigative activities for the purpose of detecting, proving and processing of criminal activities and violations, including search of premises and apprehension of suspects in a close co-operation with the police authorities and the judiciary of Bosnia and Herzegovina.

Organisational units of the Sector are:

- Anti-smuggling Department,
- Department of Investigation,
- Department of Intelligence,
- Department of Enquiries and International Co-operation.

8. Sector for International and Inter-Entity Legal Assistance and Co-operation in the Ministry of Security of Bosnia and Herzegovina

Ministry of Justice of Bosnia and Herzegovina is the central body for communication with other countries in the area of international legal assistance in criminal and civil matters based on international multilateral and bilateral agreements.

Responsibilities of the Sector are as follows:

- providing international legal assistance in criminal and civil matters based on international multilateral and bilateral agreements,
- co-operation with national and international judicial bodies,
- extradition procedures of suspects, accused and sentenced persons,
- transfers of criminal proceedings from one state to another,
- transfers of sentenced persons and acting upon request to enforce foreign judicial decisions in criminal, civil and other matters,
- acting upon letters rogatory for international criminal, civil and other legal assistance,
- acting in accordance to the Convention on the Civil Aspects of International Child Abduction/return of illegally removed and retained children,
- acting in accordance with the Convention on the Recovery Abroad of Maintenance,
- producing analyses, reports, information and other expert material within the area of competence of the Sector,
- monitoring the situation and proposing measures for determining policy and addressing issues in the area of international legal assistance and co-operation,
- implementing procedures for concluding international agreements in the field of international legal assistance as well as procedures for accession to international conventions in this area,
- certifying documents intended for the use abroad.

9. Other State Bodies

9.1 Intelligence and Security Agency of Bosnia and Herzegovina (OSA)

The Law on Intelligence and Security Agency of Bosnia and Herzegovina (Official Gazette of Bosnia and Herzegovina Nos. 20/04, 32/07) established the Intelligence and Security Agency of Bosnia and Herzegovina (OSA) in 2004 with its seat in Sarajevo, as an independent administrative organisation.

OSA is responsible for gathering, analysing and disseminating intelligence and information on global security threats pertaining to Bosnia and Herzegovina and those of a global nature (i.e. concerning the region, the EU and the world), such as:

- terrorism, including international terrorism;
- espionage directed against Bosnia and Herzegovina or otherwise detrimental to the security of Bosnia and Herzegovina;
- sabotage directed against the vital national infrastructure of Bosnia and Herzegovina or otherwise directed against Bosnia and Herzegovina;
- organised crime directed against Bosnia and Herzegovina or otherwise detrimental to the security of Bosnia and Herzegovina;
- drug, arms and human trafficking directed against Bosnia and Herzegovina or otherwise detrimental to the security of Bosnia and Herzegovina;
- illegal international proliferation of weapons of mass destruction, or the components thereof, as well as materials and tools required for their production;
- illegal trafficking of internationally controlled products and technologies;
- acts punishable under international humanitarian law;
- organised acts of violence or intimidation against ethnic or religious groups within Bosnia and Herzegovina.

On the basis of international agreements, the Agency may co-operate with foreign security and other appropriate services for the purpose of data exchange, jointly executing activities that fall within the scope of competence of the Agency and establishing technical and educational co-operation.

The Agency is headed by Director General who is appointed and dismissed by the Council of Ministers, upon the proposal of the Chair of the Council of Ministers and in consultations with members of the Presidency, the Executive Committee and the Intelligence-Security Committee.

Apart from the above mentioned bodies in Bosnia and Herzegovina, there are also other institutions taking part in combating organised crime, such as specific specialised units in other administrative organisations, among them the Financial police of the Federation of Bosnia and Herzegovina (attached to the Ministry of Finance of the Federation of Bosnia and Herzegovina), Tax Administration Offices of the Federation of Bosnia and Herzegovina and Republika Srpska, Foreign Currency Inspectorate.

CROATIA

I. INSTITUTIONS IN CHARGE OF COMBATING CORRUPTION AND ORGANISED CRIME

A successful fight against organised crime is one of the criteria for EU accession. Stabilisation and Association Agreement concluded on 2 February 2005 addresses the issue of organised crime in Chapter VII (Justice and Home Affairs), which contains provisions on the co-operation between the Republic of Croatia and the EU and its Member States in the following areas: strengthening institutions and the rule of law, visas, border control, asylum and migration, prevention and control of illegal migration, readmission, money laundering, illicit production and trafficking of drugs, prevention and combating crime and other illegal activities.

According to the international estimates, in terms of organised crime and corruption the Republic of Croatia is ranked similarly to other countries in the region among those with a high security risk.

Croatian authorities are aware of the importance of regional co-operation in the fight against organised crime and are actively involved in various regional initiatives.

Special authorities that participate in the detection, reporting and prosecution of organised crime in the Republic of Croatia are:

- National Police Office for Combating Corruption and Organised Crime within the Ministry of Internal Affairs of the Republic of Croatia;
- Office for Combating Corruption and Organised Crime (USKOK) as a separate State Attorney's Office;
- Office for the Prevention of Money Laundering within the Ministry of Finance of the Republic of Croatia;
- Department for International Co-operation, International Legal Assistance and Co-operation with International Criminal Courts within the Ministry of Justice of the Republic of Croatia;
- other state authorities.

1. National Police Office for Combating Corruption and Organised Crime

The Police Directorate was established in accordance with the Law on the Police (Official Gazette No. 129/00) as an administrative organisation within the Ministry of Internal Affairs to perform police duties; it is headed by the Chief Director.

Criminal Investigation Police Department as one of the organisational units of the Police Directorate operates throughout the following offices/sectors:

1. National Police Office for Combating Corruption and Organised Crime:

- monitors and studies the forms and profiles of corruption and organised crime, their trends and methods;
- directly conducts complex criminal investigations at the national level in collaboration with the Office for Combating Corruption and Organised Crime (USKOK), other prosecutors and competent authorities;
- participates directly in complex organised crime actions at the national level, in police investigations carried out by two or more police administrations of different countries and in joint international police investigation;
- supervises the more complex criminal investigations in the police administration and keeps the record of crimes, conducts searches and pursuit activities;

- determines the methods and ways to work on discovering and combating the emergence of crime and proposes priorities in the fight against the complex and organised crime.

The National Police Office operates through four regional sections (Zagreb, Rijeka, Split and Osijek); it has different departments such as:

- the Department of Organised Crime,
- the Department of Drug Crime,
- the Department of Economic Crime and Corruption,
- the Department of Criminal Intelligence,
- the Department of Criminal Intelligence Analysis,
- the Department of Special Criminal Affairs.

2. Sector of general crime, terrorism and war crimes

3. Support sector for the criminal police – supports the criminal police in terms of ensuring implementation of international police co-operation, organisation and implementation of witness protection and the development and provision of working conditions and criminal techniques. Co-operates with other organisational units of the Ministry of Internal Affairs and other bodies of state power.

The Sector is made up of the following departments:

- The Department for International Police Co-operation,
- The Witness Protection Department,
- The Department of criminal techniques.

The work is managed by the Office Chief.

2. State Attorney's Office of the Republic of Croatia (DORH) and the Office for Combating Corruption and Organised Crime (USKOK)

2.1 State Attorney's Office (DORH)

Provision of Article 124 paragraph 1 of the Constitution defines the State's Attorney's Office as an independent and autonomous juridical body, authorised and responsible to act against perpetrators of criminal and other offences, to take legal action to protect the property of the Republic of Croatia and to use legal means to protect the Constitution and laws.

The internal structure of the State Attorney's Offices mainly includes criminal and civil-administrative departments, while the State Attorney's Office of the Republic of Croatia is composed of four departments (Criminal Division, Civil-administrative department, Department of Internal Audit and the Office for International Legal Assistance and Co-operation).

In the Republic of Croatia actions related to the prosecution of perpetrators of criminal and other offences, protection of property of the Republic of Croatia and the protection of the rule of law is performed by the State Attorney's Office of the Republic of Croatia (DORH), 20 county state attorney's offices, 61 municipal state attorney's offices and the Office for Combating Corruption and Organised Crime (USKOK).

According to the Law on State Prosecutor's Office (Official Gazette Nos. 51/01, 16/07, 20/07) State Attorney's Office is vertically structured hierarchical organisation headed by the Chief State Attorney of the Republic of Croatia.

2.2 Office for Combating Corruption and Organised Crime (USKOK)

The Office for Combating Corruption and Organised Crime (USKOK) is a separate state attorney's office specialized in prosecution of corruption and organised crime; the USKOK headquarters are located in Zagreb and it has competence over the entire country.

USKOK began operating on 3 December 2001, founded by the Law on the Office for Combating Corruption and Organised Crime (Official Gazette No. 88/01).

By founding USKOK Croatia has fulfilled its obligations undertaken by the ratification of the Criminal Law Convention on Corruption (Official Gazette No. 11/00) and the United Nations Convention on Transnational Organised Crime (Official Gazette Nos. 14/02 and 13/03).

2.2.1 Structure of the Office for Combating Corruption and Organised Crime (USKOK)

The Office is managed by its Director. The Director of the Office is appointed for a period of four years by the Chief State Attorney of the Republic of Croatia upon consultation with the Minister of Justice and the State Attorney's Office Board.

Besides the Director of the Office, the work is performed by Deputy Directors. The number of Deputy Directors of the Office is determined by the Minister of justice on the proposal of the Chief State Attorney of the Republic of Croatia.

The Office operates throughout the following departments:

- Department for Research and Documentation,
- Department for Prevention of Corruption and Public Relations,
- Public Prosecutors Department,
- Department for International Co-operation and Joint Investigations,
- Secretariat,
- Other services.

Department for Research and Documentation:

1. Systematically collects data on corruption and organised crime,
2. Organises and manages a database that can serve as a source for processing crimes prosecuted by the Office,
3. Encourages and directs the co-operation between state authorities for the purpose of detecting occurrence of corruption and organised crime,
4. Performs other duties according to the annual schedule in the Office.

Department for Prevention of Corruption and Public Relations:

1. Informs the public on dangers and hazards of corruption and methods and means of its prevention,
2. Informs the public about the accomplishments and work of the Office (as authorised and guided by the Director),

3. Drafts reports and makes analysis of the various forms and causes of corruption in the public and private sectors and suggests to the Director proposals for the adoption of new or modification of existing regulations,
4. Performs other duties according to the annual schedule.

Public Prosecutors Department:

1. Directs the work of police authorities and other bodies in the detection of crimes as defined by the Article 21 of the Law on the Office for Combating Corruption and Organised Crime, and requires the collection of data with respect to this work,
2. Proposes the implementation of measures to ensure the recovery of assets and proceeds of crime as stipulated by the abovementioned Law and other regulations,
3. Performs other tasks according to schedule in the Office.

Department for the International Co-operation and Joint Investigations:

1. Co-operates with the competent authorities of other countries and international organisations in accordance with international treaties,
2. Appoints members of the joint investigative bodies, based on international treaties or other conditions to launch an investigation, prosecution and support the indictment before the court for crimes within the jurisdiction of USKOK on the territory of Croatia or in other countries.

When performing joint investigations on the territory of Croatia, the Department supervises the application of domestic regulations and the observance of sovereignty of the Republic of Croatia.

For the purposes of a joint investigation the Department:

1. Receives requests for undertaking certain investigation measures from other countries and forwards them without delay to the competent court,
2. In the case of particularly urgent action performed by the competent foreign authorities which are authorised to take action independently on the territory of the Republic of Croatia, supervises the operations of the foreign authority. Upon the completion of the mission the Department submits a report. The Director may request the presence of authorised party officials when reporting,
3. Receives requests from competent authorities of a foreign country to provide legal aid in proceedings for crimes within the jurisdiction of USKOK. Upon receipt and processing of such request the Department notifies the State Attorney's Office of the Republic of Croatia.

2.3 Jurisdiction

The Office for Combating Corruption and Organised Crime (USKOK) acts as state attorney's office in proceedings regarding the following criminal offences (Article 21 of the Law on the Office for Combating Corruption and Organised Crime):

1. Abuse in the bankruptcy proceedings, unfair competition in foreign trade, abuse of performing the duties of government, unlawful mediation, receiving and giving bribes, receiving and giving bribes in economic and business activities;
2. Abuse of office and authority, when such acts are committed by officials;
3. Unlawful deprivation of freedom, kidnapping, coercion, human trafficking and slavery, unlawful transferring people across state borders, robbery, extortion, blackmail, concealment of unlawfully obtained assets and illegal charges, if these crimes are committed in a group or criminal organisation;

4. Trafficking in narcotics;
5. Association for the commission of crimes, including all crimes committed by the given criminal group or organisation, except for crimes against the Republic of Croatia and its armed forces;
6. Crimes committed in connection with the activity of criminal groups or organisations that carry a penalty of more than three years of imprisonment and the offence is committed on the territory of two or more states, or a significant part of the preparation or planning of that crime took place on the territory of two or more states.

The Office is responsible for conducting criminal proceedings against group leaders/organisers or a criminal organisation for the commission of crimes of exploiting prostitution, illegal trafficking of gold and avoidance of customs control.

The Office is also responsible for the crimes of concealment of unlawfully obtained assets, concealment of evidence, coercion towards judicial officials, obstruction of performance of official duties, attacks on officials and the criminal offence of disclosing identity of protected witnesses, if these acts are committed in connection with the preparation of the abovementioned crimes.

The Chief Director of the Police appoints in each police administration and the Police Directorate at least two criminal officers, who in the case of suspected offence:

1. Co-operate with the competent State Attorney's Office and USKOK in assessing the whether the characteristics of organised crime are present, and deciding upon starting a preliminary investigation,
2. Co-operate with USKOK in collecting and analysing the results of the preliminary investigation and their assessment with the view to taking a final decision to initiate criminal proceedings or to transfer the matter to USKOK.

It should also be noted that in March 2009 so-called USKOK Departments were established at four County courts in Zagreb, Split, Rijeka and Osijek; these departments are competent for processing cases of corruption and organised crime and they employ approximately 60 judges.

3. Office for the Prevention of Money Laundering in the Ministry of Finance of the Republic of Croatia

Office for the Prevention of Money Laundering is an independent interior organisation unit within the Ministry of Finance; it was established by the Law on Prevention of Money Laundering as a financial intelligence unit (FIU) of the administrative type, that performs the following functions:

- Collects, analyses, processes and stores legal details of transactions in accordance with the law on certain taxpayers, in order to prevent and detect money laundering and terrorist financing activity;
- Transmits information on suspicious transactions to competent state authorities for further treatment and processing, co-operates in taking measures to prevent and detect money laundering and terrorist financing;
- Performs administrative control of the taxpayers in the scope of its competence;
- Exchanges information on suspicious transactions internationally and notifies competent authorities of certain countries involved in the prevention of money laundering;
- Performs other tasks essential for developing preventive strategies against money laundering.

Organisational structure of the Office includes:

- The Department of Information System and Strategic Analysis,
- The Department for Analytics and Suspicious Financial Transactions,
- The Department of Prevention and Control,
- The Department for International Co-operation.

Office has its detached officials in the State Attorney's Office, the Police Directorate, the National Bank, the Foreign Exchange Inspectorate, the Tax Department and in the Customs Administration.

4. Department for International Co-operation, International Legal Assistance and Co-operation with International Criminal Courts within the Ministry of Justice

Department for International Co-operation, International Legal Assistance and Co-operation with International Criminal Courts is an administrative body within the Ministry of Justice, which performs professional and administrative tasks related to:

- The multilateral and bilateral co-operation in the field of justice;
- The co-operation between the Republic of Croatia and the International Court of Justice, the International Criminal Tribunal for the Former Yugoslavia (ICTY), the International Criminal Court, other existing and future international criminal courts;
- Monitoring, co-ordinating and guiding the actions of state bodies responsible for co-operation with international criminal courts;
- Other legal tasks pertaining to the co-operation with the courts, such as:
 - international legal assistance in criminal and civil matters,
 - extradition matters,
 - preparation, drafting and execution of international agreements in the field of international legal assistance, international judicial co-operation; preparation to joining international organisations for judicial matters, harmonisation of legislation in the relevant fields,
 - preparation of projects and ensuring a favourable background for the implementation of projects on international integration issues in the Department,
 - harmonisation of legislation with international obligations undertaken in the Department,
 - issuing opinions on draft legislation in the field of competence of the Department
 - co-ordinating the harmonisation of legislation in the field of international law in the Ministry of Justice,
 - co-operating with international institutions in the process of harmonising legislation in the Ministry of Justice,
 - participating in the development of programmes for training of the judiciary; co-operating with international organisations in implementing programmes;
 - performing other tasks in this area as determined by the Minister of Justice.

The Department for International Co-operation, International Legal Assistance and Co-operation with International Criminal Courts consists of the following units:

1. *Sector for International Co-operation* performs the following expert and administrative tasks:
 - preparation of international documents on matters of international co-operation,

- preparation of projects and ensuring a favourable background for the projects related to joining international organisations in the area of judiciary; carrying out the activities necessary for joining international bodies and organisations,
- drafting regulations for harmonisation of legislation with international obligations undertaken in the sector,
- giving opinions on draft legislation in the matters within the competence of the Sector,
- performing administrative supervision over the implementation of regulations in the sector, participating in the work of the appropriate international bodies;
- performing other duties as instructed by the Minister of Justice and the Director of the Department.

The Sector for International Co-operation consists of the following departments:

Department for Bilateral Co-operation:

- Follows, examines, co-ordinates and promotes relations of the Republic of Croatia in the field of justice on a bilateral level;
- Participates along with the relevant ministries in the negotiation of bilateral agreements in the field of justice, provides specific information, reports and analysis in the field of judicial bilateral;
- Participates in the preparation and drafting of international treaties and laws, collects data on development assistance granted to third countries in the field of justice, provides technical and administrative services in connection with detaching judicial officials to peacekeeping missions;
- Deals with other matters within its competence as instructed by the Director of the Department and the Head of the Sector.

Department of Multilateral Co-operation:

- Participates in multilateral programmes of global, European and regional organisations and initiatives in the field of justice;
- Proposes guidelines for the work to be undertaken by Croatia in international organisations and authorities in the field of Justice;
- Prepares and submits reports and co-ordinates the performance of the Croatian judicial authorities in international organisations and bodies;
- Performs other tasks within its competence as instructed by the Director of the Department and the Head of the Sector.

2. *Sector for International Legal Assistance* performs expert and administrative tasks such as:

- Preparing international agreements in matters of extradition, international legal assistance in criminal matters and legal assistance in civil matters;
- Drafting laws and by-laws for the implementation of international treaties in the field of justice and international legal assistance in criminal and civil matters;
- Performing other duties in this area as instructed by the Minister and Director of the Department.

In order to perform the tasks in the field of international legal assistance the Sector is organised into the following departments:

Department for Extradition and International Legal Assistance in Criminal Matters carries out technical and administrative tasks such as:

- Preparing international agreements in matters of extradition and international legal assistance in criminal matters;
- Drafting laws and by-laws and implementing international treaties and conventions in the field of international legal assistance in criminal matters;
- Dealing with extradition matters and transmitting the enforcement of criminal sanctions, acts as a central body for receiving and transmitting request for international legal assistance in criminal matters in accordance with the international treaties and domestic legislation;
- Performing other duties.

Department for International Legal Assistance in Civil Matters.

3. Sector for co-operation with international criminal courts:

- performs professional and administrative services in connection with the co-operation between Croatia and the International Court of Justice, the International Criminal Tribunal for the Former Yugoslavia, the International Criminal Court and other existing and future international criminal courts;
- monitors, co-ordinates and guides the actions of state bodies responsible for co-operation with the courts;
- performs other tasks in this area as instructed by the Minister and Director of the Board.

5. Other state authorities

The Security and Intelligence Agency (SOA) was founded in 2006 in accordance with the Security and Intelligence System of the Republic of Croatia Act (Official Gazette Nos. 79/06, 105/06).

The security-related and intelligence activity of the SOA, inside the country and abroad, is directed foremost towards gathering and analysing data on individuals, groups or organisations which participate in, or are linked to, the following:

- intelligence activity directed against the Republic of Croatia,
- terrorist activity,
- activities intended to overthrow or undermine the state power,
- extremist or violent actions that may threaten the democratic order or fundamental human rights and freedoms,
- activities intended to threaten the security of high-ranking state officials or protected areas and facilities,
- organised crime that threatens the national security and the economy,
- war crimes committed against citizens of the Republic of Croatia,
- other activities intended to undermine national security.

SOA operates from its Agency Headquarters in Zagreb and from 10 regional centres. The Director of SOA is appointed with the consent of the President of the Republic of Croatia and the Prime Minister.

Besides the above mentioned state authorities, other specialised Croatian authorities such as the Customs Administration, Foreign Exchange Inspectorate and the Tax Department are involved in the fight against organised crime.

II. CO-OPERATION WITH THE EUROPEAN UNION IN FIGHTING ORGANISED CRIME

EUROPOL

Croatia has concluded the Agreement on operational and strategic co-operation with EUROPOL, which entered into force on 16 August 2006.

Based on the Agreement, the Police Directorate within the Ministry of Interior has set up a national unit to implement the co-operation with EUROPOL: the Department of EUROPOL and the Department for International Police Co-operation within the Criminal Investigation Police Department.

EUROJUST

The Agreement on strengthening co-operation in the field of justice between Croatia and EUROJUST was signed on 9 November 2007 in Brussels; its purpose is to formalise and strengthen co-operation between Croatia and EUROJUST for more effective fight against serious forms of international, cross-border and organised crime.

KOSOVO

I. INSTITUTIONS IN CHARGE OF THE FIGHT AGAINST ORGANISED CRIME

Organised crime represents one of the most serious problems of the modern states and the international community in general. Kosovo is confronted with many disorders which rarely sum up to criminal offences of organised crime. The constant need for capital investment and economic development, and in addition – incomplete legislative framework make Kosovo prone to the expansion of organised crime. Despite the fact that organised crime is one of the most difficult types of crime to discover and investigate, Kosovo institutions are putting much effort in fighting it. However, there is still a lot that can be done in order to enhance the strategies against organised crime. The relevant legislation and the internal organisational structure of the institutions in charge of the fight against organised crime are still not completed in their entirety. Hence, the fight against organised crimes concerns the following institutions:

- 1) Ministry of Interior
- 2) Ministry of Justice
- 3) State Prosecutor
- 4) Financial Intelligence Centre
- 5) Anti-corruption Agency
- 6) Ministry of Economy and Finance

1. Ministry of Interior

This institution is responsible for the policy in the field of the fight against organised crime. The Ministry of Interior is one of the supervisors of the legal system of Kosovo. This institution, following a decision of the government, drafts the strategy and the operational plan for the prosecution and the judiciary of Kosovo. The drafting of the strategy and the operational plan is done by working groups.

It is specifically this institution that implements the abovementioned strategies. As a part of the legislation for combating organised crime a Law on Seizure of Property is conceived. However, this law is still in the drafting stage.

The Executive Agency of the Ministry of Interior is the Kosovo Police.

In the field of public order and safety, some of the functions that the Ministry of Interior performs are:

- The development of policies and facilitating the preparation and implementation of legislation;
- Overseeing co-ordination between the Police and other agencies and international organisations with responsibilities in the field of public order and safety;
- Collecting, storage and analysis of statistical data and information.

1.1 The Police

The Kosovo Police is established as a public service within the framework of the Ministry of Interior. Kosovo Police functions under the authority of the Minister of Interior and under the control and supervision of the General Director of the Police. The Minister's authority does not include operational management of the Police.

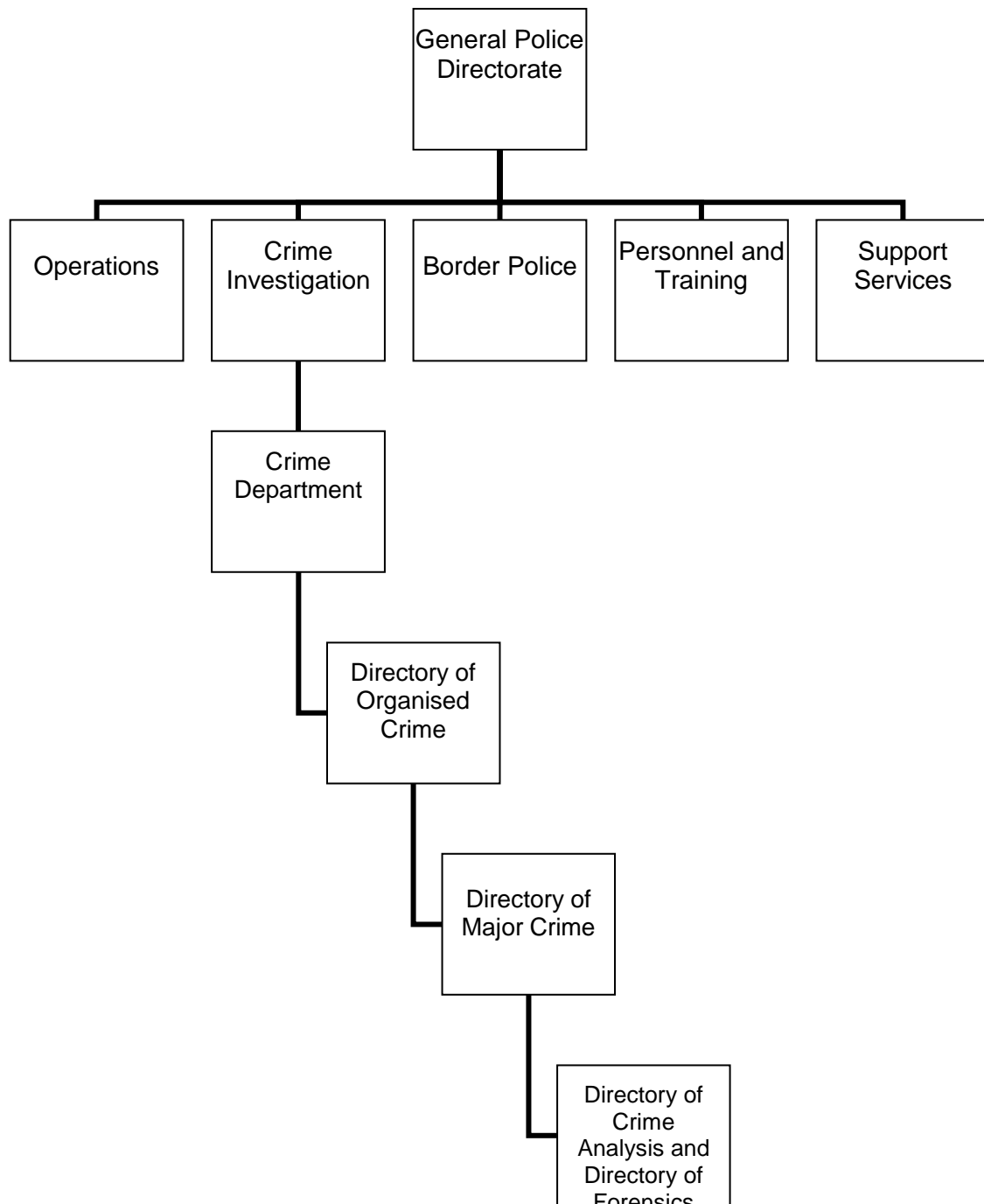
The Police can execute orders and instructions lawfully issued by a competent public prosecutor or a judge.

Some of the fundamental duties of the Kosovo Police are:

- a) The protection of life, safety and property of all individuals;
- b) Detecting and preventing criminal acts;
- c) Investigating criminal acts; and
- d) Providing surveillance and control of the border.

Kosovo Police is organised at the central and local levels. The General Police Directorate is the central headquarter responsible for the whole territory of Kosovo.

There are five pillars within the General Police Directorate:



The Kosovo Police Crime Pillar supervises the Directory of Organised Crime. Its mission and goals are:

- To create a safe environment for the population through the co-ordination of activities with institutions, rule of law organisations and citizens;
- To increase the detection of crime through professional enhancement, modernisation, co-operation and intensive engagement, initially with the community and with other partners then;
- In addition, a goal of this Pillar is to prevent crime, detect and investigate criminal cases through collecting and incorporating evidence, exhibits and other proof, which may testify innocence or guilt of suspects, and placing suspects in front of justice. In order to accomplish its mission, Crime Pillar will strengthen basic functions that are related closely with intelligence, investigation, internal and external co-operation and required professional and technical support;
- In addition, it will compile, develop and implement strategic policies in order to prevent crime in specific criminal fields.

The priorities of the Kosovo Police strategic plan in 2008-2010 are:

- 1) Development of a strategy on criminal intelligence and its implementation;
- 2) Development of a strategy on prevention, detection and apprehension of criminal offenders in relation to the trafficking of human beings, smuggling human beings and protection of the victims of trafficking;
- 3) Development of a strategy on prevention, detection and apprehension of criminal offenders in relation to the trafficking of narcotics;
- 4) Development of a strategy on the prevention of terrorism and regional or wider co-operation when dealing with the fight against terrorism;
- 5) Development of a strategy on informant handling;
- 6) Development of a strategy, through institutional mechanisms, on the protection of witnesses;
- 7) Development of a strategy on use of information technology when dealing with various forensic examinations.

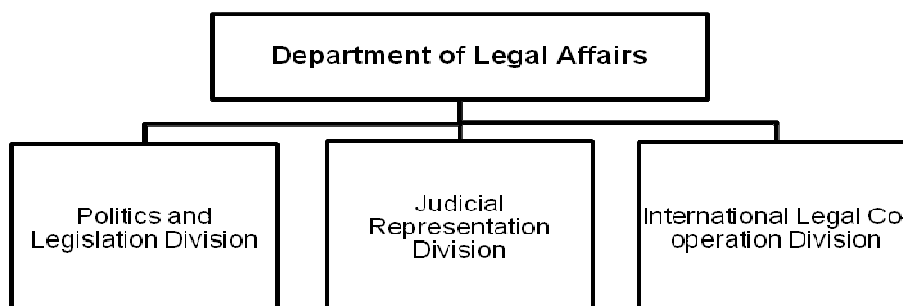
The Directory of Organised Crime is specifically acting according to this strategy :

- 1) Prevention and reduction of organised crime
- 2) Prevention and reduction of corruption
- 3) Prevention and reduction of economic crime

2. Ministry of Justice

The Ministry of Justice is also a policy component in the fight against organised crime.

The Department of Legal Affairs within the Ministry of Justice is set up as follows:

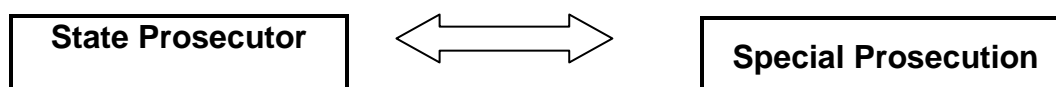


The main role of the Ministry of Justice in the fight against organised crime is to ensure the formulation of legislation and policies designed to strike perpetrators and networks involved in criminal activity.

3. State Prosecutor

The State Prosecutor is the head of the prosecution service. The State Prosecutor is an independent institution with authority and responsibility over the prosecution of persons charged with committing criminal acts and other acts as specified by law.

The State Prosecutor monitors the work of the Special Prosecution which directly investigates criminal acts (including the criminal acts of organised crime).



3.1 Special Prosecution

The Special Prosecution is a body established by the Law on the Special Prosecution Office of Kosovo as a permanent and specialised prosecutor's office operating within the Office of the State Prosecutor of Kosovo.

Each time the Special Prosecution takes responsibility for a case that falls within its competence, the law enforcement institutions of Kosovo and prosecutions assist and facilitate the Special Prosecution in performing its functions and fulfilling the mandate of the office.

The mission of this office is:

- 1) To investigate criminal acts;
- 2) To detect criminal acts in co-operation with the police;
- 3) To follow criminal proceedings, and
- 4) To supervise the performance of the police.

The Special Prosecution has exclusive competence in investigating and prosecuting the criminal act of organised crime and intimidation during criminal proceedings of organised crime. The Head of the Special Prosecution will determine whether an *indicia* or *prima facie* case of organised crime exists and, if there is a reasonable belief that the verbal or written criminal report, case or prosecution contains *indicia* or *prima facie* case of organised crime, the Head of the Special Prosecution can exercise jurisdiction over the case.

The mandate of the Special Prosecution covers the territory of Kosovo in its entirety and as such it is a centralized institution which reports to the State Prosecutor. In the transitional period and during the EULEX mission, the Chief Prosecutor is nominated by EULEX.

The internal regulations of the Special Prosecution office do not divide the office in any sectors or departments. Depending on the number of cases and proceedings and the type of the criminal acts, the cases are divided between the prosecutors of the Special Prosecution Office. Also, a certain practice has been established, and prosecutors specialise in particular areas of criminal law.

Despite the fact that this institution is independent, it always works in close co-operation with the State Prosecutor, the police, the Financial Intelligence Centre and the Kosovo Anti-Corruption Agency.

The two last institutions also serve as a source of information for the Special Prosecution: they send information and data and also report on suspicions related to criminal acts.

4. Financial Intelligence Centre (FIC)

Financial Intelligence Centre plays an important role in the fight against organised crime. This institution has been set up with the main purpose of enhancing law enforcement capacities, particularly in information gathering and analysis, aimed at deterring money laundering, terrorist financing and related criminal offences through greater transparency in financial transactions.

As mentioned, this institution especially fights the criminal acts of money laundering and terrorist financing. Both of them are parts of organised crime.

The mission of this institution mainly includes:

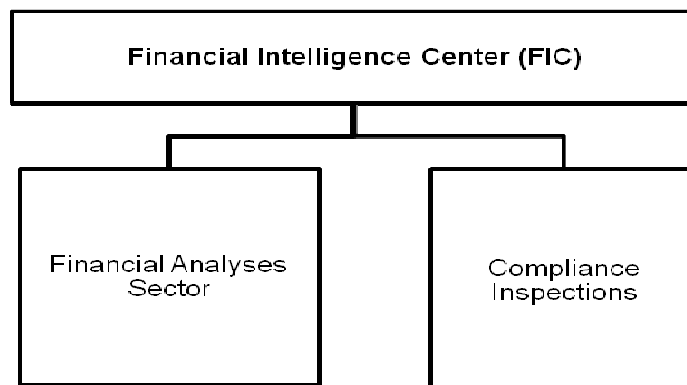
- 1) Prevention of criminal acts of money laundering and terrorist financing;
- 2) Detecting criminal acts of money laundering and terrorist financing;
- 3) Encountering of criminal acts of money laundering and terrorist financing.

The main role of this institution is: gathering information; analysing it; reporting on suspicious activity.

Entities that regularly report to the Financial Intelligence Centre are mainly banking institutions, since they deal with major financial flows.

The main values of this centre are its professionalism, integrity, the principle of equality, the principle of non-discrimination, honesty and rationality in using public money.

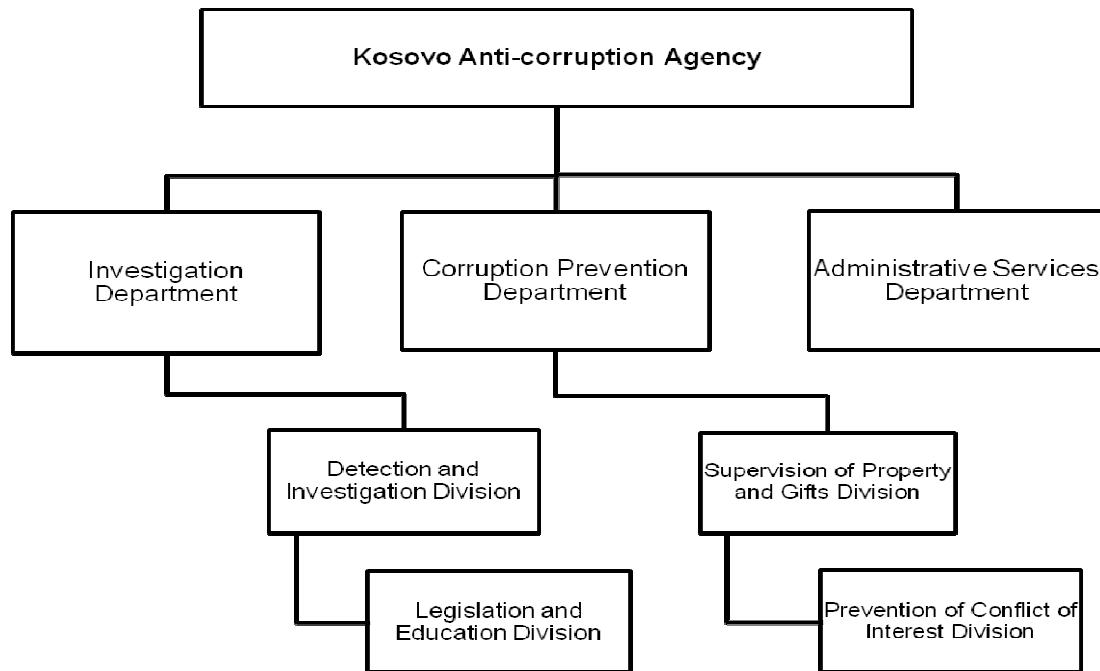
The Financial Intelligence Centre is led by EULEX. There are no strictly divided sectors within the centre. However, there is a difference between the two of its parts:



5. Anti-Corruption Agency

When it fulfils specific conditions a criminal act of corruption may represent organised crime, or at least have elements of organised crime. The Kosovo Anti-corruption Agency's main aim and mission is the investigation of criminal acts with elements of

corruption. The organisational structure of this institution is demonstrated in the chart below.



Two most important departments that deal with offences that contain elements of the criminal act of organised crime are:

5.1 Investigation Department

This department monitors and enforces the strategy and the anti-corruption operational plan and also deals with educating the public opinion on this field of criminal offences. The Investigation Department has focused its activity on three primary spheres:

1. Investigation of corruption cases;
2. Legislation;
3. Formulation and enforcement of the new strategy and the anti corruption operational plan.

Some of the duties of this department are:

1. Conducting investigations;
2. Collecting the necessary information for investigations and preparing the decision-proposal for the start of the investigations, or the proposal for closing of a specific case;
3. Co-operating with the prosecution;
4. Providing legal services within the agency and giving legal advice in the matters that are within this department's sphere of competence.

5.2 Corruption Prevention Department

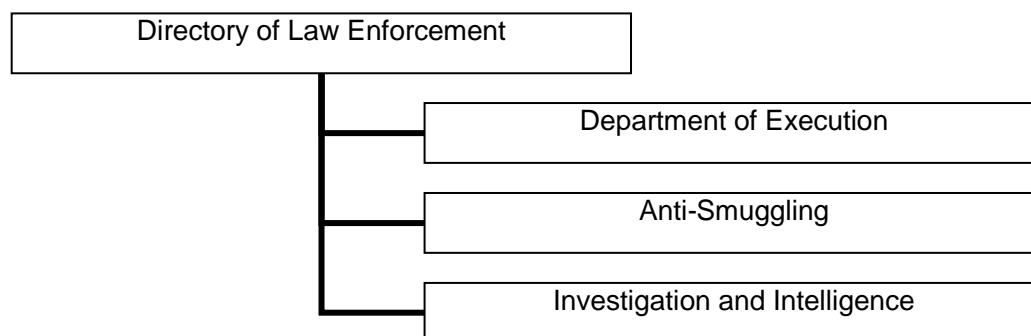
In general, it is the duty of this department to take measures in case of incompatibility of the official position of a public post holder and his/her secondary activities; to control the observance of limitations on the acceptance of gifts received in connection with an

official duty; to supervise and monitor the estate of officials and the persons close to them; to control the observance of limitations for the contracting parties in public tenders and supervise business activity of companies in which public officials or the persons close to them are involved.

6. The Ministry of Economy and Finance

This institution also plays a role in combating organised crime. It combats one of the main types of organised crime – smuggling. It does so by drafting the strategy and the operational plan, especially in the customs sector.

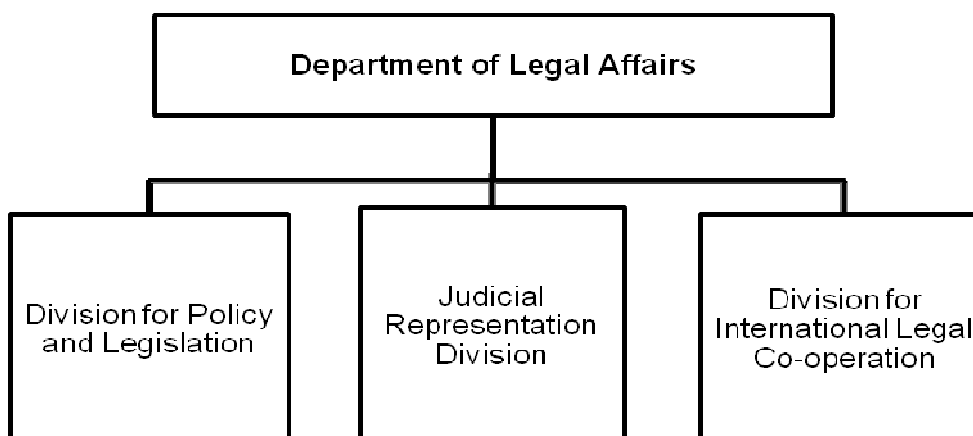
In the organisational structure of the Kosovo Customs, one of the four directories is the Directory of Law Enforcement. This directory has an exclusive sector which acts in the smuggling sector, as a part of the organised crime.



II. INTERNATIONAL JUDICIAL CO-OPERATION

1. Ministry of Justice

The Ministry of Justice is the only institution in Kosovo in charge of international judicial co-operation. According to the mandate vested by the UNMIK on the establishment and transfer of competencies to the Ministry of Justice there have been created:



The Division for International Legal Co-operation is the central authority for processing all requests related to international legal assistance from Kosovo to foreign states and vice versa, including the criminal offence of organised crime.

This division also processes requests and replies related to international legal assistance, which includes:

- Requests for extradition;
- International arrest warrants;
- Transfer of sentenced persons;
- Enforcement of foreign judgments;
- Transfer of judicial proceedings;
- Rogatory letters;
- Verification of documents;
- Service of various documents;
- Requests for legal assistance of different types.

Ministry of Justice also drafts and negotiates agreements between Kosovo and foreign states in the field of international judicial co-operation.

MONTENEGRO

I. INSTITUTIONS IN CHARGE OF COMBATING ORGANISED CRIME

The criteria to be fulfilled by a country wishing to accede to the European Union encompass a successful fight against organised crime. It is highlighted in the preamble to the Stabilisation and Association Agreement, signed between the European Communities and its member states and Montenegro on 15 October 2007, that the contracting parties are determined to fight organised crime and to foster co-operation in suppression of terrorism. Chapter VII of the Agreement, which regulates in more detail the co-operation of the contracting parties in the area of justice, freedom and security, underlines primarily the need to strengthen the institutions and the rule of law, where the fight against organised crime plays an important role.

The Government of Montenegro adopted a Programme for the Fight against Corruption and Organised Crime in 2005. Aiming to implement the Programme, the Government adopted an Action Plan in August 2006, which was envisaged as a medium-term document, covering the period of three years (2006 to 2009). The implementation of the Action Plan for enforcement of the Programme for the Fight against Corruption and Organised Crime is monitored by the National Commission, a high level body consisting of representatives of all branches of power as well as of the non-governmental sector.

Montenegro is a member state of INTERPOL and it also participates in regional initiatives dealing with combating organised crime, police and judicial co-operation (SEPCA, SEEPAG², SECI).

Institutions in charge of detection, reporting and prosecution of the offence of organised crime, as well as of gathering and analysing the relevant statistical data are described below:

- Division for Suppression of Organised Crime and Corruption within the Police Directorate,
- Department for Suppression of Organised Crime, Corruption, Terrorism and War Crimes established within the Supreme State Prosecution,
- Tripartite Commission,
- Directorate for the Prevention of Money Laundering and Terrorist Financing,
- National Central Bureau of INTERPOL,
- National Security Agency.

1. Police Directorate

Police tasks and affairs as defined by Article 2 of the Law on the Police (Official Gazette No. 28/05) comprise, *inter alia*, protection of security, rights and freedoms of citizens as guaranteed by the Constitution, protection of property, prevention and detection of criminal offences and misdemeanours, identification and apprehension of offenders, maintaining order and peace, surveillance and protection of the state border and performing border control, control of movement of persons and stay of foreigners. These and other police tasks are performed by the Police Directorate, which is headed by a Director.

The Law on Police provides for a three-fold control of the police work:

² Southeast European Prosecutors Advisory Group

1. Parliamentary control performed by the Parliament of Montenegro, acting through its competent board,
2. Civilian control performed by the Council for Civilian Control of the Work of Police,
3. Internal control performed by a designated unit within the Police Directorate.

The Ministry of Interior and Public Administration acts as a supervisory body in terms of legality and efficiency of the work of the Police Directorate.

1.1 Criminal Police Sector – Division for Suppression of Organised Crime and Corruption

Criminal Police Sector is an organisational unit of the Police Directorate in charge of operational and technical tasks aimed at detection and suppression of criminal offences which are prosecuted *ex officio*, identification and apprehension of perpetrators of these offences and, lastly, crime laboratory work.

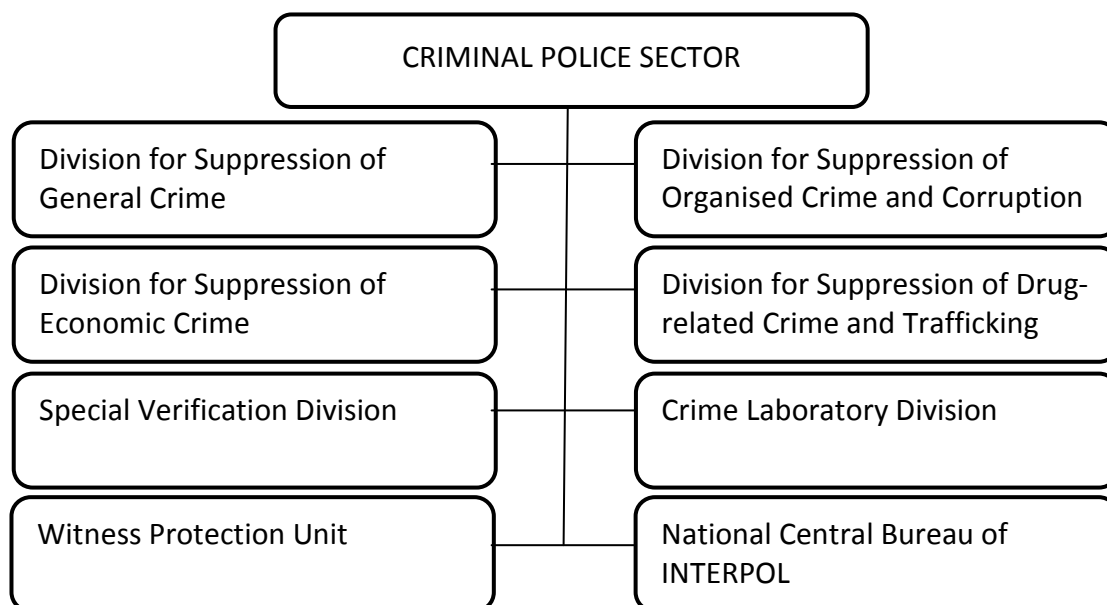


Figure 1. Organisation of the Criminal Police Sector

Division for Suppression of Organised Crime and Corruption is established within the Criminal Police Sector in order to perform the following tasks:

- Analysis of trends and dynamics of organised crime;
- Identification, monitoring and analysis of the organised crime market;
- Performing threat assessments and estimations of the damage inflicted by the organised crime; and
- Conducting operations against individuals and groups.

Likewise, Witness Protection Unit is established within the Sector, which is in charge of protection of persons pursuant to the Law on Witness Protection.

The Police Directorate undertakes activities aimed at strengthening regional and international co-operation. The regional co-operation is based on bilateral agreements, membership in regional organisations and exchange of liaison officers. Montenegro takes part in the work of the Regional Centre for Combating Trans-border Crime (SECI Centre), as well as the Southeast Europe Police Chiefs Association (SEPCA). Intensive

exchange of information and co-operation in the prevention of organised and other forms of serious crime of international nature is achieved through the National Central Bureau of INTERPOL in Podgorica. Police Directorate also takes part in international police operations directed towards identifying forms of organised crime.

2. State Prosecution

The State Prosecution is in charge of prosecution of perpetrators of criminal offences and other offences punishable by law and of application of legal remedies within its sphere of competence; it also performs other tasks as prescribed by the law. Pursuant to the Law on the State Prosecutor's Office (Official Gazette Nos. 69/03, 40/08), the State Prosecution performs its tasks based on the Constitution, other laws and international agreements ratified by Montenegro, autonomously and independently, while observing the Code of Prosecutorial Ethics.

The State Prosecution is organised hierarchically. It is headed by the Supreme State Prosecutor and comprises:

- The Supreme State Prosecutor's Office,
- The High State Prosecution in Podgorica and the High State Prosecution in Bijelo Polje and
- thirteen Basic State Prosecutions.

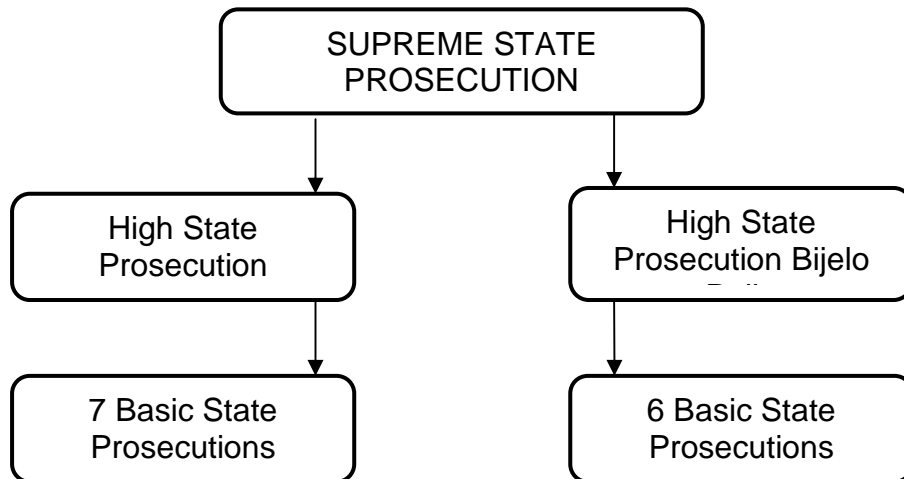


Figure 2. Organisation of the State Prosecution

The tasks of the State Prosecution are exercised by the Supreme State Prosecutor, the High State Prosecutor and the Basic State Prosecutor. State Prosecutors have deputies who are entitled to perform all acts before the court or another state authority that the State Prosecutor is entitled to perform pursuant to the law. The law also regulates the procedure for appointment of state prosecutors and their deputies, by determining the general (citizenship, general health and the capacity to conduct business, education) and specific conditions (professional experience), as well as other criteria for appointment which include:

- specialised knowledge, working experience and performance results;
- published research papers;
- professional training;
- impartiality, conscientiousness, diligence and responsibility;
- professionalism and reputation.

The Parliament of Montenegro appoints state prosecutors and removes them from office following a proposal by the Prosecutorial Council. Deputy state prosecutors are appointed and removed from office by the Prosecutorial Council, which serves as a guarantor of independence of state prosecutors³. The Council is headed by the Supreme State Prosecutor; its members are six state prosecutors or deputies, one representative of the academia, two renowned lawyers and one representative of the Ministry of Justice; they are appointed and removed by the Parliament of Montenegro.

The following departments are established within the Supreme State Prosecution: Criminal Department; Civil Department; Department for Suppression of Organised Crime, Corruption and Terrorism; Department for International Co-operation.

The Supreme State Prosecution of Montenegro participates in the work of SEEPAG.

2.1 Department for Suppression of Organised Crime, Corruption, Terrorism and War Crimes

In the justice system of Montenegro, prosecution of organised crime offences is entrusted to the Department for Suppression of Organised Crime, Corruption, Terrorism and War Crimes. The Department, established within the Supreme State Prosecution, is headed by the Special Prosecutor. The Special Prosecutor is accountable for his work and for the work of the Department to the Supreme State Prosecutor. The Special Prosecutor and his deputies are appointed for a period of five years, with the possibility of reappointment. Only a person who meets the requirements for appointment to the post of Supreme State Prosecutor may be appointed to a position of the Special Prosecutor (i.e. at least of 15 years of professional experience in legal matters, as well as the abovementioned general and specific conditions and criteria).

The Law on State Prosecution (Official Gazette No. 69/03) was adopted in 2003, in the course of reforming the judicial system and implementing the relevant international standards; it introduced the Special Prosecutor for Suppression of Organised Crime. The Law was subsequently amended in 2008 (Official Gazette No. 40/08), so as to extend the competences of the Department to encompass prosecution of the offences of terrorism, corruption and war crimes. Thus, specialisation and concentration of competences was achieved, following which five deputy Special Prosecutors were appointed.

The Law (as amended) also creates the necessary preconditions for a continuous and efficient work of the Department. The Supreme State Prosecutor may, upon a request of the Special Prosecutor, second a state prosecutor or a deputy to the Department for a certain period of time in order to conduct urgent tasks or act in concrete cases. Furthermore, the Supreme State Prosecutor may second a state prosecutor or a deputy state prosecutor, without his consent, to work with the Special Prosecutor while there are circumstances or reasons which prevent the Special Prosecutor or his deputies from regular discharge of duties.

Concentration of competences which was achieved in the State Prosecution is also reflected at the court level, through establishment of Special Chambers for Organised

³ European Commission's Opinion on Montenegro's application for membership of the European Union of November 2010, page 34: "Reforms in the judiciary are being pursued. Achieved results include the setting up of new institutions such as the judicial and prosecutorial councils and measures adopted to improve independence and efficiency. However, serious concerns remain over the role of the parliament in appointing the judicial and prosecutorial councils and state prosecutors. There are also concerns over the efficiency and accountability of the judiciary."

Crime, Corruption, Terrorism and War Crimes within the High Courts in Podgorica and Bijelo Polje.

According to the Criminal Procedure Code (Official Gazette Nos. 71/03, 07/04 and 47/06), regarding the criminal offences that are prosecuted *ex officio*, the state prosecutor is competent to:

- conduct pre-trial proceedings;
- request that an investigation be carried out and direct the course of preliminary proceedings,
- issue and represent an indictment or indicting proposal before the competent Court, i.e. in the case of organised crime before the Special Chamber of a High Court;
- file appeals against Court decisions that have not yet become final and seek application of extraordinary legal remedies against final Court decisions;
- undertake other actions determined by the Code.

The Special prosecutor is competent to prosecute criminal offences committed throughout the territory of Montenegro.

The Criminal Procedure Code regulates, in specific provisions, the proceedings with regard to criminal offences of organised crime. Pursuant to the Code, these provisions will be applicable in the event that an offence committed is a result of organised criminal activity involving more than two persons whose aim is to commit serious crime in order to acquire benefit or power. Moreover, three additional conditions must be fulfilled in order for these specific provisions to apply:

- that every member of the criminal organisation has been given an assignment or a role in advance;
- that activities of the criminal organisation have been planned for a longer or unlimited period of time;
- that activity of the organisation has been accompanied by the implementation of certain rules of internal control and discipline of its members;
- that activities of the organisation have been planned and performed in internationally;
- that violence and intimidation have been applied in performing their activities or are likely to be applied;
- that operations have been conducted through political, economic and business structures;
- that laundering of money or illegal proceeds takes place;
- that there is an influence exerted by the criminal organisation or its part upon legislative authorities, media, executive or judiciary authorities or other social and economic factors.

Furthermore, the Criminal Procedure Code stipulates that during the pre-trial proceedings special investigative techniques may be applied in order to prevent and detect offences of organised crime. Procedure for application of these measures is initiated by a written request of the state prosecutor containing reasons for their application. The request is then dealt with by an investigative judge, who may order the application of these measures by a written order containing a statement of reasons. The measures are implemented by the police, i.e. a designated police officer who is obliged to report to the state prosecutor and investigative judge on a regular basis. Special investigative means may be applied for a period of up to four months and may be subject

to extension by a maximum of three months if there are reasons justifying the extension. Special investigative means comprise:

1. secret surveillance and technical recording of telephone conversations,
2. secret photographing and video recording on private premises,
3. simulated purchase of objects and persons and simulated giving and taking of a bribe,
4. supervision of the transportation and delivery of objects pertaining to the offence,
5. recording conversations upon informing and obtaining a prior consent of one of the actors of the conversation,
6. use of undercover investigators and informants.

3. Tripartite Commission

The Tripartite Commission was established by a decision of the President of the National Commission for monitoring the implementation of the Action Plan for implementation of the Programme for the Fight against Corruption and Organised Crime, on 10 October 2007. The Tripartite Commission is composed of representatives of the Police Directorate, State Prosecution and courts, with a mandate to analyse cases of organised crime and corruption, as well as to report and produce a unified methodology for obtaining statistical indicators in the area of organised crime and corruption.

The task of the Tripartite Commission is to apply the unified methodology to the statistical processing of data needed to assess the scale and occurrence of criminal offences with elements of organised crime and corruption, while taking into account the specific criteria used by the police, prosecution and courts for keeping records and conducting proceedings. Moreover, the Commission evaluates and periodically reports on action taken with regard to crime reports pertaining to organised crime and corruption. Finally, the Commission monitors joint activities in this area and issues recommendations for enhancing inter-institutional co-operation.

Based on the inputs from the police, prosecution and courts, the Tripartite Commission provides, in its periodical reports, a statistical overview of the data on persons prosecuted for criminal offences with elements of corruption or organised crime. Likewise, measures and activities taken by the competent authorities are indicated. The Tripartite Commission submits its reports to the National Commission.

4. Directorate for Prevention of Money Laundering and Terrorist Financing

The Directorate for Prevention of Money Laundering and Terrorist Financing was established in December 2003 as an autonomous public administration body, in order to enforce the Law on Prevention of Money Laundering and Terrorist Financing (Official Gazette Nos. 14/07 and 4/08). Pursuant to the provisions of the Law, supervision of the work of the Directorate is performed by the Ministry of Finance.

The specific competences provided for in the Law stipulated the establishment of the Directorate as an administrative financial intelligence unit. Apart from detection of money laundering and terrorist financing, the Directorate is also in charge of initiating and conducting first instance misdemeanour proceedings, in the cases of breaches of the Law.

The internal organisation of the Directorate comprises:

1. The Analytical Department in charge of, *inter alia*, collecting and analysing the data required to detect money laundering and terrorist financing; preparing and unifying the list of indicators for identifying suspicious transactions; defining standards and methodologies for establishing and developing the procedures and

- practices for detection of suspicious transactions; preparing guidelines for risk assessments;
2. The Suspicious Transactions Department, where analytical processing of data on transactions and persons with respect to which there are reasonable grounds to suspect involvement in money laundering or terrorist financing. Following the analytical processing, the information is disseminated to the competent authorities, whereas transactions may be temporarily blocked;
 3. The International and National Co-operation Department is in charge of establishing international co-operation with the relevant authorities from other countries and international organisations. Co-operation with foreign financial intelligence units encompasses exchange of information relating to the prevention of money laundering and terrorist financing;
 4. The Department for Information Technologies and Collection of Data;
 5. The Department for Control of Reporting Entities;
 6. The Department for First Instance Misdemeanour Proceedings;
 7. The Department for General Affairs, Finance and Public Relations.

5. National Central Bureau of INTERPOL

Montenegro is a member country of INTERPOL, the world's largest international police organisation, since September 2006. National Central Bureau of INTERPOL is established within the Police Directorate, i.e. the Criminal Police Sector and is in charge of:

- Publishing international arrest warrants for persons wanted by courts of Montenegro,
- Issuing notices for missing persons,
- Publishing foreign notices on the territory of Montenegro for persons wanted by national central bureaux of other countries,
- Initiating searches on the territory of Montenegro for missing persons searched by foreign national central bureaux,
- Forwarding information on persons of security interest and persons prone to criminal activity,
- Issuing notices for unidentified corpses,
- Establishing the identity of persons,
- Conducting a full extradition procedure of persons apprehended on the basis of INTERPOL warrants, both in the country and abroad.

Furthermore, the Bureau in Podgorica acts upon requests of the National Central Bureaux of other INTERPOL member countries as regards criminal investigations of organised crime with international element (financial organised crime, general organised crime, trafficking in persons, smuggling of persons, terrorism) and other forms of crime.

Pursuant to the Law on Mutual Legal Assistance in Criminal Matters, requests for international legal assistance can be forwarded and received through the National Central Bureau of INTERPOL. The procedure for mutual legal assistance can be conducted through this avenue solely in urgent cases and based on the principle of reciprocity.

6. National Security Agency

The National Security Agency was established on the basis of the Law on National Security Agency (Official Gazette No. 28/05). The Agency is headed by a Director who is appointed and removed from office by the Government following a proposal of the Prime Minister. The Director is appointed for a term of five years, with a possibility of

reappointment. The Director is accountable to the Government of Montenegro, as regards his work and the work of the Agency.

Competences of the National Security Agency comprise:

1. Collection of data and information on potential threats, plans or intentions of organisations, groups or individuals to carry out activities which are directed against the territorial integrity, security and the established order guaranteed by the Constitution of Montenegro;
2. Collection of data of relevance to the national security;
3. Collection of data on the activities of organisations, groups and individuals aimed at performing acts of national and international terrorism, organised crime and serious crime against humanity and international law;
4. Analysis, appraisal, use, recording and storage of collected data and information;
5. Providing security and counter-intelligence protection of the Parliament, Government, President of Montenegro and other state authorities, ministries and state administration bodies;
6. Organisation and co-ordination of implementation of measures for safeguarding secret information and compliance with security standards applicable to dissemination of such information;
7. Protection of collected data and information from unauthorised disclosure, disposal, alteration, use or destruction; and
8. Performing other activities of interest for the security of Montenegro, in accordance with the law.

Parliamentary control of the work of the Agency is performed by the Parliament of Montenegro through its working body to which the Agency submits an annual report on its operations.

II. INSTITUTIONS IN CHARGE OF MUTUAL LEGAL ASSISTANCE

1. Ministry of Justice

Providing mutual legal assistance is regulated by the Law on Mutual Legal Assistance in Criminal Matters (Official Gazette No. 4/08). The Law prescribes that mutual legal assistance is provided in accordance with an international treaty. However, if there is no international treaty, or where a certain issue has not been dealt with by such treaty, mutual legal assistance is provided in accordance with the aforementioned Law, based on the principle of reciprocity or upon reasonable expectation that a foreign country would execute a request for mutual legal assistance sent by a Montenegrin judicial authority.

According to the Montenegrin Law, mutual legal assistance encompasses extradition of accused and sentenced persons, transfer and assuming of criminal prosecution, enforcement of foreign criminal judgments, delivery of documents, written materials and other cases relating to the criminal proceedings in a foreign state, as well as the undertaking of certain procedural actions such as: hearing of the accused, witnesses and experts, crime scene investigation, search of premises and persons and temporary seizure of items.

In cases where there is no international agreement or reciprocity, the Ministry of Justice delivers and receives letters rogatory for international legal assistance through diplomatic channels. The legality and manner of execution of the action requested by a letter rogatory of a foreign judicial authority shall be decided upon by a competent Montenegrin court, i.e. a High Court.

1.1 Department for Judiciary and International Legal Assistance

The Department for Judiciary and International Legal Assistance is established within the Ministry of Justice, i.e. the Judiciary Sector of the Ministry.

The Department for Judiciary and International Legal Assistance is in charge of:

- Drafting strategies, projects and programmes, as well monitoring their implementation;
- Supervising the process of approximation of the legal framework in the justice area with standards and regulations of the EU (*acquis communautaire*);
- Administrative affairs in view of selecting the State Agent to act on behalf of Montenegro before the European Court of Human Rights; drafting necessary reports and designing measures for enforcement of ratified international agreements in the field of justice;
- Preparation, drafting and enforcement of international treaties on mutual legal assistance;
- Creation and implementation of programmes of co-operation with international and regional organisations, institutions and other international and regional actors and judicial authorities, as well as participation in international and regional fora, bodies, working groups and conferences;
- Drafting primary and secondary legislation and its implementation in relation to the organisation, competences and the work of courts, state prosecution, attorneys at law, notaries, mediators, court experts and interpreters; provision of legal aid, payment of court duties, issuing identity cards to judges and prosecutors;
- Preparing regulations for the bar exam on the criminal legislation, legislation pertaining to misdemeanours, civil procedure and civil law, proceedings before courts;
- Providing opinions with regard to draft and proposed laws and other regulations;
- Providing opinions in relation to the internal rule on organisation and systematisation of judicial authorities;
- Monitoring and securing the implementation of laws and other regulations in the area of judiciary (organisation, work methods, expertise and efficiency), bar exam, exam for bankruptcy managers, organisation of donor conferences, international legal assistance;
- Sub-verification of documents to be used abroad;
- Affairs relating to the appointment of the president and judges for misdemeanour proceedings, mediators and notaries;
- Preparing opinions with regard to the conclusion of international, regional and bilateral treaties, conventions and other agreements;
- Keeping records and other registries as prescribed by law;
- Collection and analysis of data relevant to the work of judicial authorities;
- Preparation of analytical, information and other specialised/expert materials, publications, documents;
- Performing other tasks in relation to the justice sector.

Montenegrin judicial authority forwards letters rogatory for international legal assistance to foreign judicial authorities and receives letters rogatory for international legal assistance of the foreign judicial authorities through the Ministry of Justice, i.e. the Department for Judiciary and International Legal Assistance. In urgent cases, provided that there is reciprocity, a letter rogatory for international legal assistance may be delivered and received through the National Central Bureau of INTERPOL (see point 4 above). The courts and the state prosecutors' offices are be responsible for providing international legal assistance.

III. CO-OPERATION WITH THE EUROPEAN UNION IN THE FIGHT AGAINST ORGANISED CRIME

Montenegro co-operates with Europol on the basis of a strategic co-operation agreement signed on 19 September 2008. It aims to enhance co-operation to fight serious forms of international crime including, *inter alia*, drug trafficking, money laundering and illegal migration. The agreement between the two parties makes it possible to exchange strategic and technical information, while also providing a legal basis for the exchange of liaison officers.

A Working agreement was signed between Frontex and Montenegro on 18 June 2009, aiming at setting up and strengthening operational and technical co-operation across the external borders of the European Union.

Montenegro also takes part in the work of Eurojust, through designated contact points in the judicial authorities.

“THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA”

1. Ministry of Justice of “the former Yugoslav Republic of Macedonia”

Department for international legal assistance

This Department within the Ministry of Justice is responsible for the preparation of the bilateral agreements for international legal assistance with respect to criminal and civil matters.

There are three divisions/sections within this Department:

- Section for extradition and transfer,
- Section for requests in the criminal and civil matters,
- Section for translations, editing and linguistic editorial.

The Section for extradition and transfer is responsible for the following matters:

- Extradition;
- Transfer of citizens of “the former Yugoslav Republic of Macedonia” sentenced in foreign countries and foreign citizens sentenced in “the former Yugoslav Republic of Macedonia”;
- Giving information concerning foreign citizens detained in “the former Yugoslav Republic of Macedonia”, allowing visits as well as giving information about citizens of “the former Yugoslav Republic of Macedonia” detained in foreign countries;
- Co-operation with the Ministry of Interior, prisons, INTERPOL concerning persons in detention or sentenced to imprisonment;
- Keeping statistical data concerning cases of extradition and transfer of sentenced persons;
- Taking decisions upon request from domestic and international courts concerning legal assistance in obtaining evidence for the prosecution of criminal cases, in conducting investigation of criminal cases as well as allowing usage of official documents pertaining to criminal cases;
- Preparation and signature of bilateral agreements in the field of international legal assistance and their implementation;
- Follow up on the implementation of the ratified conventions when it comes to cases of international legal assistance;
- Implementation of the European Convention on Extradition, European Convention on the Transfer of Sentenced Persons and the European Convention on Mutual Assistance in Criminal Matters along with its Additional protocols;
- Preparation of reports and analyses for the President, the Parliament and the Government of “the former Yugoslav Republic of Macedonia” in the field of international legal assistance;
- Co-operation with foreign diplomatic and consular representations in “the former Yugoslav Republic of Macedonia” and diplomatic and consular representations of “the former Yugoslav Republic of Macedonia” abroad concerning international legal assistance;
- Receiving, distribution and registration of the mail in connection with international legal assistance;
- Other administrative and day-to-day work as well as registration of cases of international legal assistance.

The Section for requests in the criminal and civil matters is responsible for:

- Taking decisions upon requests from domestic and international courts concerning international legal assistance in criminal and civil cases – delivery of the bill of indictment and the first hearing;
- Taking decisions upon requests of domestic and international courts concerning international legal assistance – recognition and execution of foreign court decisions in criminal and civil cases;
- Performance upon requests of domestic and foreign courts concerning the delivery of legal assistance in criminal cases;
- Delivering opinions concerning the questions of reciprocity concerning foreign citizens in “the former Yugoslav Republic of Macedonia”;
- Performance upon cases concerning maintenance payments in line with the New York Convention on the Recovery Abroad of Maintenance;
- Keeping statistics with regard to civil cases;
- Performing the necessary work for the preparation and signature of bilateral agreements in the field of international legal assistance and monitoring their implementation;
- Monitoring the efficiency of implementation of ratified conventions in cases of international legal assistance in civil matters;
- Monitoring the application of the Hague Convention on Civil Procedure, Hague Convention Abolishing the Requirement of Legalization for Foreign Public Documents, Convention on the Recovery Abroad of Maintenance, other conventions in respect to acceptance and performance upon decisions of the foreign courts of arbitration etc;
- Preparation of reports and analysis for the President of the country, the Parliament and the Government of “the former Yugoslav Republic of Macedonia” in the field of the international legal assistance;
- Co-operation with foreign diplomatic and consular representations in “the former Yugoslav Republic of Macedonia”, diplomatic and consular representations of “the former Yugoslav Republic of Macedonia” abroad in matters of international legal assistance.

The Section for translation, editing and linguistic editorial is responsible for:

- Text editing and linguistic editorial of draft legal acts and other documents;
- Translation of texts of legal acts, information and other materials from the Macedonian language into the English language and vice versa, as well as their further registration;
- Translation of texts of legal acts, information and other materials from the Macedonian language into the Albanian language and vice versa.

Department for International Legal Co-operation

In the Sector for European integration and international legal co-operation activities in respect to the implementation of international co-operation, human rights matters as well as integration of “the former Yugoslav Republic of Macedonia” in NATO are undertaken.

The activities are undertaken through:

- The Department for International Legal Co-operation;
- The Department for Human Rights and Comparative Legal Analysis;
- The Department for NATO Co-operation.

In the Department for International Legal Co-operation the following activities and tasks are performed:

- Screening of the international legal systems, preparation of proposals for commencing the procedures for signing and ratification of international legal instruments for analysis of the legal provisions;
- Preparation of opinions regarding certain conventions and protocols for the needs of other ministries;
- Co-operation with the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, for the needs of fulfilling the obligations arising from the participation in the European Convention on Human Rights and Fundamental Freedoms and the European Convention for the Prevention of Torture or Inhuman or Degrading Treatment or Punishment;
- Organisation of the EC visits to courts and prisons, giving opinion upon their reports as well as taking action in respect to their findings and recommendations;
- Continuous co-operation and support of the activities of the International Criminal Court for the former Yugoslavia (the Hague Tribunal), as well as co-operation during investigation and prosecution of persons accused of committing serious violations of the international legal norms;
- Participation in the activities of the Stability Pact for South-Eastern Europe, regional table and other regional initiatives and forms of co-operation, undertaking activities for the implementation of projects, recommendations and declarations within the framework of these initiatives as well as follow up to their implementation;
- Activities for continuous co-operation with international bodies and organisations (UN, Council of Europe, OSCE, OECD), their bodies, units, committees; activities aiming at the implementation of their recommendations;
- Activities arising from the co-operation with the Council of Europe with respect to the plan of fight against corruption through participation in GRECO, preparation of materials and supporting evaluation reports;
- Co-operation and participation in the work of MONEYVAL (Committee of experts for evaluation of the measures for the prevention of money laundering), in the Council of Europe, participation in the preparation of evaluation reports for "the former Yugoslav Republic of Macedonia" by the Committee.

In the Department for Human Rights and Comparative Legal Analysis the following activities and tasks are performed:

- Activities with regard to the preparation of initiatives, regular and periodical reports on the compliance of the national legislation with the ratified international instruments, participation in the preparation of reports;
- Preparation of reports on the implementation of obligations arising from the participation in international legal instruments on national minorities;
- Activities for the implementation of recommendations of international organisations, dissemination of the relevant recommendations and materials from relevant authorities and responsible state officials, initiation and implementation of national activities (proposal of legal decisions or other activities) for the implementation of recommendations and their further monitoring;
- Communication with relevant courts, collection of relevant documentation and other activities on the basis of submitted individual bills of indictment against "the former Yugoslav Republic of Macedonia" before the UN Human Rights Committee;
- Activities related to co-operation with international bodies and organisations (UN and Council of Europe), their bodies and committees as well as activities related to implementation of programmes and projects;

- Continuous co-operation with the Council of Europe with regard to the prevention and fight against trafficking in human beings and implementation of the Council of Europe measures and standards into the national legislation;
- Activities related to the co-operation with the NGO sector, activities for the implementation of common projects and programmes;
- Continuous follow up to the European Convention on Human Rights and Fundamental Freedoms as well as other documents pertaining to the respect of human freedoms and rights, their application into the national legislation as well as preparation of reports on the implementation of the relevant obligations.

In the Department for Co-operation with NATO the following tasks and activities are carried out:

- Participation in the activities for fulfilling the obligations arising from the Action Plan for membership and preparation and implementation of the Annual National programmes of “the former Yugoslav Republic of Macedonia” for a membership in NATO;
- Preparation of progress reports in respect to the implementation of the Annual national programme for the membership of “the former Yugoslav Republic of Macedonia” in NATO;
- Regular participation in the meetings of NATO in Brussels by representatives of „the former Yugoslav Republic of Macedonia”;
- Participation in expert teams of the Working Committee for integration into the collective defence systems;
- Participation in the working groups for alignment of the national legislation with the NATO acts;
- Follow up and implementation of the SOFA contract and the Basic contract with the technical annexes between „the former Yugoslav Republic of Macedonia” and NATO for participation in the NATO missions.

2. Public Prosecution Office

The Public Prosecution Office is an independent state institution responsible for the prosecution of criminal acts and their perpetrators; it represents one of the most important institutions in area of realisation and protection of the basic Constitutional values of „the former Yugoslav Republic of Macedonia”.

Structure and organisation

The Public Prosecution Office of „the former Yugoslav Republic of Macedonia” is organised on the basis of the principles of hierarchy and subordination. According to the Public Prosecution Act the Public Prosecution is organised at three levels as follows:

- The Public Prosecution Office of „the former Yugoslav Republic of Macedonia” (Public Prosecutor and his/her deputies – 10) attached to the Supreme Court of „the former Yugoslav Republic of Macedonia” participate in the proceedings for extraordinary legal remedies. There are three departments in the Public Prosecution Office of „the former Yugoslav Republic of Macedonia”: Criminal, Civil and Department for International Co-operation;
- High Public Prosecution Offices in Skopje, Bitola and Stip attached to the corresponding Courts of Appeal participate in appeal proceedings;
- Basic Public Prosecution Offices – there are 22 of them attached to the corresponding Basic Courts; they participate in first instance proceedings.

Criminal Department

Structure

There are five deputies of the Public Prosecutor of „the former Yugoslav Republic of Macedonia” and one assistant in the Public Prosecution Office of „the former Yugoslav Republic of Macedonia”.

Competence:

- Examining initiatives submitted by competent parties in criminal procedure for submission of Request for protection of the rule of law, extraordinary legal remedy that according to Article 403 of the Criminal Procedure Act can be submitted only by the Public Prosecutor of „the former Yugoslav Republic of Macedonia”, because of violation of the Criminal Code or the procedure in a court decision in force. If the Public Prosecutor of „the former Yugoslav Republic of Macedonia” has grounds to believe that there has been a violation of the above mentioned kind he/she submits to the competent court a Request for protection of the rule of law and represents it during the hearings of the Supreme Court of “the former Yugoslav Republic of Macedonia”.
- Examining initiatives submitted by competent parties in the misdemeanour procedure for submission of the Request for protection of the rule of law, extraordinary legal remedy that according to Article 375 of the Misdemeanour Act can be submitted only by the Public Prosecutor of „the former Yugoslav Republic of Macedonia”, because of violation of the material code or the procedure in a court decision in force. If the Public Prosecutor of „the former Yugoslav Republic of Macedonia” has grounds to believe that there has been a violation of the above mentioned kind he/she submits to the competent court a Request for protection of the rule of law and represents it during the hearings of the Supreme Court of „the former Yugoslav Republic of Macedonia”.
- Gives opinions on requests for extraordinary relief of punishment, extraordinary legal remedy which the competent parties in the criminal procedure may submit if, after the judgment having become final, circumstances appear that did not exist when the judgment was passed, or the court was not aware of them although they existed, and they would lead with certainty to a less severe punishment. According to Article 401 of the Criminal Procedure Act, if the proceedings were conducted upon request of the public prosecutor, the Supreme Court of „the former Yugoslav Republic of Macedonia”, before reaching a decision, will request an opinion of the Public Prosecutor of „the former Yugoslav Republic of Macedonia”.
- Gives opinions on requests for extraordinary review of a final court judgment, extraordinary legal remedy which defendants sentenced to a term of imprisonment or imprisonment for minors may submit in case of certain violations of the Criminal Code or the procedure.

Through the newest law on the Public Prosecution office and the Law on the Council of Public Prosecutors, adopted in December 2007, the position of the public prosecutor was strengthened: the Department for Organised Crime and Anti-Corruption grew into a special prosecution office, a Prosecution Office established on the whole territory of „the former Yugoslav Republic of Macedonia” with its main office in Skopje. In accordance with this law, besides of the offices already existing in Skopje, Bitola and Stip, a prosecution office in Gostivar was also established covering the territory of the Gostivar district.

3. Ministry of Interior of „the former Yugoslav Republic of Macedonia”

International Police Co-operation

In order to secure the implementation of standards for international police co-operation and the adjustment of the organisational structure to the European one, with the newest police reforms, the Ministry of Interior established an organisational unit – Department for International Police Co-operation. By setting up this unit the co-operation between the Ministry of Interior and various similar offices and initiatives was improved. It also contributed to a more efficient and better implementation of the co-operation with foreign police services and international police organisations in accordance with the ratified international agreements and membership in the international police organisation and institutions.

The membership in INTERPOL, EUROPOL, SECI and Schengen-SIRENE, as well as the exchange of information with liaison officers (foreign police officers posted by other countries in „the former Yugoslav Republic of Macedonia” and liaison officers posted by “the former Yugoslav Republic of Macedonia” abroad), created an environment for a unique presentation of the Ministry of Interior and increased the efficiency of its regional and international relations.

The National Central Bureau of INTERPOL in „the former Yugoslav Republic of Macedonia” works in accordance with the international standards of this Organisation ,i.e. on the basis of a full respect towards the national sovereignty of a country, appliance of the criminal law, universality, equality among the member states, flexibility of the working methods and co-operation with other services.

Since 1993 when „the former Yugoslav Republic of Macedonia” became an INTERPOL member state, the operative co-operation of the Ministry of Interior is carried out through an active and continuous participation in various fields:

- Public security and terrorism;
- Interception of criminal organisations;
- Illicit trade in drugs and weapons;
- Financial crime;
- Cybercrime;
- Trafficking in human beings.

This co-operation is ensured through an exchange of operative information, participation of experts from the Ministry of Interior in the working groups of INTERPOL as well as participation in international police activities.

The National Central Bureau (NCB) of INTERPOL in Skopje is directly linked to an information system I-24/7 of the INTERPOL; through this link the exchange of electronic mail with other NCBs is made as well as usage of web services that are available on this system i.e. a direct access to the central criminal databases of INTERPOL and electronic announcement of international search.

In order to strengthen co-operation with the EU member states active in EUROPOL in the field of interception, detection and investigation of serious forms of international crime, especially when exchanging strategic and technical information, „the former Yugoslav Republic of Macedonia” and the office of the European police EUROPOL signed on 16.01.2007 a Strategic agreement for co-operation.

The implementation of this agreement as well as the announcement of the negotiations for signing the operative agreement with EUROPOL, through which the exchange of

operative information and personal data will be made available, required for certain preconditions to be fulfilled prior to signing the agreement.

In order to comply with these preconditions, the Ministry of Interior elaborated an Action Plan for the implementation of the strategic agreement and started negotiations for signing the operative agreement with EUROPOL, i.e. an implementation plan of activities that is composed of two phases⁴. The implementation plan established in 2008 a National Unit for EUROPOL in accordance with the standards of this Organisation.

In the past period various activities were undertaken with the aim of laying down effectively the basics for organisational and legal co-ordination between the services of „the former Yugoslav Republic of Macedonia” for crime suppression and EUROPOL. Also, the activities for exchange of strategic and technical information with EUROPOL have been intensified, including the participation of representatives of the Ministry of Interior in seminars, training sessions and workshops.

SECI (Southeast European Co-operative Initiative) is an initiative for co-operation of the countries of Southeast Europe established as a result of the Euro-Atlantic plan for development of the region. The main goal of SECI is to give support to the development of the regional operative co-operation, support to the countries in the process towards association in EU, development of a regional concept for the suppression of crime and unique operative co-operation among the police and border services in the fight against organised crime⁵.

There are seven operative working groups in the SECI Centre (Task forces), as well as sub-groups; their aim is to undertake activities for the prevention, suppression of various forms of organised crime:

- Suppression of the NT drugs;
- Suppression of trafficking in human beings and illegal migration;
- Suppression of the crime with stolen vehicles;
- Financial crime and cybercrime;
- Fight against terrorism;
- Working groups established to prevent crimes related to the payment of customs duty and business activity;
- Container security where the custom services of the member states of SECI participate.

Besides the continuous exchange of information, one should stress the active participation of the Ministry of Interior in the operative activities co-ordinated and organised by the Working groups of the SECI Centre.

⁴ Negotiations for signing of an agreement, ratification of the agreement, implementation of the agreement, common agreement for the needs of co-operation and support of the strategic bodies, analysis of the eventual problems and gaps i.e. what is needed in order to secure a good co-operation, preparation of a strategy for development of the national office, prepared on the basis of a problem analysis, realization and evaluation of the activities, implementation, realization of a concrete co-operation, evaluation of the co-operation.

⁵ [The former Yugoslav] Republic of Macedonia, Agreement for co-operation with SECI Regional centre for fight against trans-border crime, ratified in April 2000, while as on 20 February 2001 the officers are nominated and established in the SECI Office in Budapest. Currently there are changes within the constitution of SECI i.e. negotiations for approval of the text for a new SELEC Convention. Through signing of this Convention a new SELEC Centre will be established who will be responsible for the implementation of the legislation in the countries of the South-eastern Europe and will be descendent of the SECI Centre.

In order to prepare the country for membership in the Schengen system, the Government of „the former Yugoslav Republic of Macedonia” should prepare a strategy and an action plan with concrete measures and activities in accordance with all different segments of the Schengen convention.

Besides the stated forms of co-operation implemented through INTERPOL, EUROPOL and SECI, the international police co-operation is also ensured through liaison officers of foreign police services in „the former Yugoslav Republic of Macedonia” (Bulgaria, Greece, Switzerland, Austria, Romania and France) and 9 liaison officers posted in the neighbouring countries but accredited for „the former Yugoslav Republic of Macedonia” (Belgium, the Netherlands, Slovakia, Germany, Australia, Czech Republic, Slovenia, Italia and Nordic countries).

The *Department for International Police Co-operation* is a national unit for dealing with another two regional initiatives for police co-operation:

- The Convention for police co-operation with the South-Eastern Europe (Vienna Convention),
- The Ministry Declaration for border security in South-Eastern Europe (Sarajevo Declaration).

Presently the Department is based in the Bureau for public security in the Ministry of Interior – Central Police Services; it is composed of four organisational units:

- Unit – National Central Bureau of INTERPOL,
- National Unit for EUROPOL,
- Unit for Duty Service and Administration,
- Unit for Technical Support.

Department for Co-operation with the EU

It is composed of three organisational units:

- Organisational IPA unit is responsible for technical support of the IPA projects where the Ministry of Interior is the final recipient;
- Organisational unit responsible for negotiations and integration activities in respect to adjustment of the national legislation with the EU *acquis*;
- Organisational unit for international co-operation on a non-operative level⁶.

Department for organised crime

Performing activities for interception and detection of criminal acts undertaken by an organised group of people, active for some period of time and performing one or more criminal acts. The Department is responsible for the detection and interception of transnational criminal acts as well as for detecting criminal groups that, in order to get themselves involved legally in business activity with a final aim of committing corruption crimes and obtaining proceeds, use violence or some other type of pressure.

The Department is also responsible for taking action in connection with criminal acts provided for in the Criminal Code of „the former Yugoslav Republic of Macedonia” that fall within the sphere of competence of the Public Prosecution Office related to organised crime and corruption. In these cases, the Department undertakes its activities in co-operation and in accordance with the Public Prosecution Office.

⁶ Representatives of this Department refused to give detailed information regarding their precise responsibilities due to the fact that these are governed by an internal document.

For activities and questions related to organised crime, the Department co-operates with other state bodies, foreign police departments, secures support to regional police offices as well as border police in investigating, collecting and elaborating information regarding organised crime and plans concrete measures and activities.

The Department is timely updated as regards the changes within the methods for interception, detection and proving organised crime criminal acts. The officers of the Department are obliged to attend training courses and to follow the legislative changes in this field.

The Department itself is composed of the following units:

- Unit for the Fight against Money Laundering and Organised Economic Crime – responsible for investigation, interception, detection, documentation and preparation of criminal charges against perpetrators of criminal acts related to money laundering, financing of terrorism, counterfeit money, illicit trade, smuggling, production of illicit goods and other activities that can damage the financial system and the economy of „the former Yugoslav Republic of Macedonia” and have elements of organised crime;
- Unit for Combating Corruption – undertakes criminal investigations, documents and detects criminal acts of corruption within the state and public entities. The main focus is on persons who enjoy high ranking functions, employed in the state institutions. This Unit focuses also on criminal acts of organised nature that can cause damage to the state budget or can violate certain rights of the state and public institutions;
- Unit for the Fight against Cybercrime – investigates, detects, documents and initiates charges in cases of computer crime, child pornography and criminal acts against intellectual property with elements of organised crime. The Unit regularly monitors the methods for detection of systematic and non- systematic criminal acts of this type of crime, continuously follows the international and national standards for securing electronic evidence, participates in the harmonisation of the national legislation with the international conventions and declarations, suggests forms and methods of training and professional development of the staff, co-operates with domestic institutions especially with the internet service providers as well as with foreign and international legal bodies and organisations;
- Unit for the Fight against Illicit Trade in Drugs and Weapons – undertakes investigations for interception, detection and documentation of criminal acts in the field of illicit production of narcotic substances and their trade as well as illicit trade in weapons and dangerous, nuclear materials, weapons of mass destruction, chemical and biological weapons and terrorism;
- Unit for the Fight against Violent and Serious Crime – undertakes investigations for detection, interception, documentation and initiation of charges against perpetrators of criminal acts in the field of violent and serious crime with elements of organised crime. This Unit is especially equipped to investigate homicide and property crime committed by organised groups (robberies, violence, threats, kidnappings, trade with stolen vehicles, criminal acts against the cultural heritage etc);
- Unit for the Fight against Trafficking in Human Beings and Smuggling of Migrants – undertakes investigations for interception and detection of criminal acts of trafficking in human beings, smuggling of migrants and organised forgery of travel

documents, mediation in prostitution etc. Participates in the implementation of the National Action Plan of the National Committee for fight against trafficking in human beings;

- Sector for criminal intelligence analysis – collects and analyses data in order to detect the planning, preparation and performance of criminal acts from organised crime and their perpetrators. The Sector works on collection of data and information about persons and criminal groups gathered through the regular police activities, intelligence data, data received from PIM, data gathered through co-operation with other agencies for the fight against organised crime and other state institutions in „the former Yugoslav Republic of Macedonia” as well as data gathered from police services and organisations for their further analysis for the needs of the units for fight against organised crime;
- Unit for Special Investigative Techniques (Means) – undertakes measures and activities towards detection and documentation of criminal acts and perpetrators of organised crime, as well as in cases of serious crime where the use of special investigative means is necessary;
- Intelligence Unit – undertakes activities of counterintelligence, recruits, uses and works with informers, collects information on accomplished criminal acts or acts in process, collects information on perpetrators of criminal acts, exchanges information and data with similar services, maintains central registry of data, co-operates with other bodies in „the former Yugoslav Republic of Macedonia” as well as foreign security agencies in order to exchange information, prepares, plans and undertakes investigations in the country, monitors continuously the new waves of crime and criminology in the world. The Unit has at its disposal a database of information and prepares strategies and reports for its work. The Unit performs other activities in accordance with the relevant legislation;
- Unit for Information Technology – responsible for planning, development and implementation of the information system and the equipment of the Unit in order to secure faster and more efficient completion of the undertaken activities. In particular the Unit is responsible for:
 - Planning purchases of the equipment, its maintenance, specification and control of its use;
 - Preparing a plan for the use of equipment for security, control and monitoring of the departments;
 - Preparing a plan for purchasing new software, its installation, administration and maintenance.

SERBIA

Introduction

The Republic of Serbia, as well as its predecessor states – the State Union of Serbia and Montenegro and before that the Federal Republic of Yugoslavia – has undertaken international obligations in the field of fight against organised crime by ratifying several international conventions, among them the United Nations Convention on Transnational Organised Crime with the Additional Protocol signed in Palermo in 2000 (*“Official Journal of the Federal Republic of Yugoslavia – International Agreements”, No. 6/2001*) (Hereinafter: the UN Convention).

Along with the UN Convention mentioned above, the Republic of Serbia has signed other multilateral and bilateral conventions that regulate the fight against organised crime and the co-operation in that area.

In 2002, the National Assembly of Serbia passed the Law on Organisation and Jurisdiction of Government Authorities in Suppression of Organised Crime (*“Official Journal of the Republic of Serbia”, Nos. 42/2002, 27/2003, 39/2003, 67/2003, 29/2004, 58/2004 – other Law, 45/2005 and 61/2005*) (Hereinafter: the Law) which in detail regulates what state organs are involved in fight against organised crime, primarily in the judicial and executive branches of the government. The scope of application of the Law is set in Article 1 thereof which envisages establishment, organisation, jurisdiction and powers of special government bodies for detecting and prosecuting perpetrators of criminal offences stipulated in the Law.

Definition of organised crime is given in Article 2 of the Law and it entails: the execution of criminal offences by an organised criminal group, that is, of other organised group or its members, for which the envisaged sentence is imprisonment of four years or more. Article 3 of the Law defines organised criminal group as a group of three or more persons, which exists for a certain period of time, acts consensually in order to commit one or more criminal offences for which the proscribed sentence is four years of imprisonment or more, in order to directly or indirectly gain financial or other pecuniary gain. The definition of organised criminal group has been taken over, almost word by word, from the UN Convention, as well as the criteria for determining criminal acts, the existence of which is a condition for the existence of organised crime, and that is a sentence of imprisonment of four years or more.

Hence, the definition of organised crime itself, as well as of criminal group, envisaged sentence and the definition of the ‘other organised group’, makes it clear that provisions of the law were meant to make operational international obligations undertaken by the UN Convention.

I. GOVERNMENT AUTHORITIES IN CHARGE OF THE FIGHT AGAINST ORGANISED CRIME

The Law on Organisation and Jurisdiction of Government Authorities in Suppression of Organised Crime defines the following government authorities as the leading in fight against organised crime:

- Special Prosecutor's Office,
- Special Service for Suppression of Organised Crime (Ministry of Interior),
- Special Department of the Competent Courts,
- Special Detention Unit.

Apart from the above listed government bodies, other government bodies, or their organisational units, among their other competences, take part in fight against organised criminal. Those are, among others:

- Ministry of Finance (Administration for the Prevention of Money Laundering; Customs Authority),
- Ministry of Defence (Military Security Agency and Military Intelligence Agency),
- Security-Information Agency.

1. Special Prosecutor's Office (Articles 4-9 of the Law)

The District Prosecutor's Office in Belgrade has been set up as the competent prosecutor's office for crimes with elements of organised crime for the entire territory of Serbia. A Special Prosecutor's Office for the fight against organised crime (Special Prosecutor's Office) is established within this prosecutor's office. The head of the Special Prosecutor's Office is the Special Prosecutor for the fight against organised crime (the Special Prosecutor), who is appointed by the Republic Public Prosecutor for the term of office of two years with the possibility of re-appointment. The Special Prosecutor may be removed from office before the expiry of his term.

The Republic Public Prosecutor, if the circumstances so require, may at the recommendation of the Special Prosecutor second a public prosecutor or deputy public prosecutor to the Special Prosecutor's Office for the period of not more than nine months which may be extended by decision of the Republic Public Prosecutor. Due to the complexity of the criminal proceedings involving criminal acts of organised crime, the Special Prosecutor is authorised to request from the competent government body or organisation to assign an official from such government body or organisation to the Special Prosecutor's Office. The head of the government body or organisation that is being requested to assign its official to the Special Prosecutor's Office must decide on such request without delay, however it may not assign an official without his/her consent.

The competences of the Special Prosecutor, that has the same rights and responsibilities as those of a public prosecutor, upon becoming aware of that a particular criminal case deals with a criminal act of organised crime (within the meaning of Article 2 of the Law), require that he submit the Republic Public Prosecutor in writing a request to confer or delegate jurisdiction over such case to him/her. The Republic Public Prosecutor is obliged to decide on such request within eight days.

Remark: On the day of establishment of the State Council of Prosecutors, that is on April 6, 2009, a new Law on Public Prosecution ("*Official Journal of the Republic of Serbia*", No. 116/2008) has come into force. However, the application of that law has been postponed until January 1, 2010. Article 13 of that Law provides for the establishment of the Prosecutor's Office for Organised Crime for the whole territory of Serbia, with the

seat in Belgrade, which, as the need may arise, have departments outside of its seat. Prosecutors for organised crime will be authorised to act in particular criminal cases from the jurisdiction of another prosecutor for the purpose of more efficient conduct of criminal proceedings and for other reasons.

2. Special Service for Suppression of Organised Crime (Article 10 and 11 of the Law)

The Special Service for Suppression of Organised Crime is a unit of the Department of Crime Police in the Ministry of Interior established for the purpose of performing tasks of the Ministry of Interior relation to organised crime. Apart from the Special Service, the Ministry of Interior has other units that are specially organised, equipped and trained for the fight against organised crime. Within the Special Service for Suppression of Organised Crime (Special Service for the fight against Organised Crime – SBOPOK) there exist organisational units that are in charge of suppression of particular types of organised crime such as in narcotics, general, financial and high-technology crime.

The Minister of Interior appoints and removes from office the head of the Special Service, after obtaining the opinion of the Special Prosecutor.

The Service acts on requests of the Special Prosecutor while all state organs are obliged to provide to the Service (and the Special Prosecutor) any technical equipment and to ensure timely response of each of their officials and employees, including heads of the bodies or agencies, for giving information or for questioning as a suspect or a witness, as well as to surrender to the Service all documentation and evidence at their disposal and to submit other information that may be of use in uncovering criminal offences involving organised crime (Article 11 of the Law).

3. Special Departments of Competent Courts (Articles 12-14 of the Law)

By virtue of Article 12 of the Law, the District Court in Belgrade has been set up as a competent court of first-instance jurisdiction in organised crime matters, while the Appellate Court in Belgrade has second-instance jurisdiction. A Special Department for processing cases of organised crime (Special Department of the District Court) is organised within the District Court in Belgrade. The Special Department of the District Court is headed by the President of the Special Department of the District Court, who is appointed by the President of the District Court in Belgrade from among the judges assigned to the Special Department of the District Court.

The judges of the Special Department of the District Court are appointed by the President of the District Court in Belgrade for the term of two years from among judges of that court or judges of other courts seconded to that court.

Article 14 of the Law provides that a Special Department of the Appellate Court in Belgrade for processing organised crime criminal cases is organised within the Appellate Court in Belgrade. The method of appointing judges to this Special Department is similar to that of the Special Department of the District Court.

4. Special Detention Unit

By virtue of the Law, a special detention unit for detention pronounced in criminal proceedings for organised crime offences has been organised within the District Court in Belgrade. The Ministry of Justice passed the Rules on organisation and operation of and treatment of detainees in, the Special detention unit (*“Official Journal of the Republic of Serbia”, No. 81/2005*). Based on these Rules a Special division for detainees undergoing

criminal proceedings for organised crime, as well as a Special division for war crime detainees have been organised within the Special Detention Unit. The Special Detention Unit is headed by the warden who reports to the director of the jail and to the Director of the Administration for Enforcement of Penal Sanctions of the Ministry of Justice.

II. OTHER GOVERNMENT BODIES THAT TAKE PART IN THE FIGHT AGAINST ORGANISED CRIME

1. Ministry of Finance

The Ministry of Finance is in charge of official state activities that deal with the prevention of the money laundering and these activities, directly or indirectly, relate to the fight against financing of terrorism and organised crime. Within the Ministry of Finance, the following departments are organised for the aforementioned tasks:

Administration for the Prevention of Money Laundering

The Administration for the Prevention of Money Laundering is the financial intelligence unit of the Republic of Serbia organised in accordance with the Law on the Prevention of Money Laundering (*“Official Journal of the Republic of Serbia”, No. 107/05, 117/05 – amendment and 62/06 – other law*). This Administration collects, analyses and stores data and information and informs responsible government authorities when it identifies a suspicion of money laundering. The work within the Administration is organised in the following departments: Department for analysis; Department for suspicious transactions. The department for suspicious transactions is divided into: the Group for suspicious transactions of banks and other financial institutions and the Group for suspicious transactions in the capital and securities market and of other users. Also, within the Administration there is a Department for international and internal co-operation and a Division for legal and financial affairs.

Tax Administration

In 2003, a Section of Tax Police has been set within the Tax Administration, which is in charge of detecting tax criminal offences and individuals who commit such offences. This Section is headed by the Chief Inspector appointed by the Government at the proposal of the Minister of Finance. The Section is composed of two units. The Unit for co-ordination of activities in discovering tax criminal offences and the Unit for analysis and data processing. The work is conducted through four regional centres (Belgrade, Novi Sad, Kragujevac and Niš).

The competences of the Section of Tax Police are set by the Law on Tax Procedure and Tax Administration (*“Official Journal of the Republic of Serbia”, Nos. 80/02, 84/02 – amendment, 23/03 – amendment, 70/03, 55/04, 61/05, 85/05 and other law, 62/06 – and other law, and 61/07*). The Tax Police in pre-trial proceedings phase has the competences of the Ministry of Interior and is authorised to undertake all activities save for the restriction of movement. The Tax Police is entrusted with application of the provision of the Law on Criminal Procedure, which determines pre-trial procedure phase.

Customs Administration

The Customs Administration, as a separate body of the Ministry of Finance, has organised within the Department for Internal Control a Group for the fight against Terrorism, organised crime and money laundering. This Group has co-ordinating role

and is in charge of co-operation with other government authorities. Customs Administration is authorized to conduct foreign currency control in international passenger traffic. Competences of the Customs Administration are prescribed in the Customs Law (*“Official Journal of the Republic of Serbia”, Nos. 73/03, 61/05, 85/05 – other law and 62/06 – other law*). Within the Customs Administration there is the Sector for control of the application of customs regulations, which is composed of departments for suppression of smuggling; protection of intellectual property; customs investigation; intelligence activities and risk analysis and control. All these departments play relevant role in the suppression of organised crime.

2. Ministry of Defence

The Ministry of Defence, in accordance with the provisions of the Law on Ministries (*“Official Journal of the Republic of Serbia”, No. 65/08*), undertakes activities, as a government authority, that relate to security that is of importance to defence. On the basis of the Law on Principle Organisation of Security Services (*“Official Journal of the Republic of Serbia”, No. 116/07*) the Military Security Agency and the Military Intelligence Agency have been established as government agencies within the Ministry of Defence. The Military Security Agency took over responsibilities from the Military Security Service, while the Military Intelligence Agency took over responsibilities from the Military-Counterintelligence Service. Competences of both of these agencies are determined in the Law on Security Services of the Federal Republic of Yugoslavia (*“Official Journal of the Federal Republic of Yugoslavia”, No. 37/02 and “Official Journal of SCG, No. 17/04*).

Military Security Agency

The Military Security Agency is a military service which, in accordance with Article 8 of the Law on Security Services of the Federal Republic of Yugoslavia is in charge of security of importance to defence, which, among other things includes, detection, research, surveillance, prevention, suppression and interception of internal and international terrorism and detection, investigation and documentation of the gravest criminal offences with the element of organised crime directed against the command, institutions and units of the Military Forces of Serbia and the Ministry of Defence.

In executing the tasks listed in the paragraph above, the Military Security Agency co-operates with other security services in the country and abroad, as well as with the Ministry of Interior. The law provides for the possibility of joint investigation, data exchange and establishment of more effective IT system.

Military Intelligence Agency

The Military Intelligence Agency is a service within the Ministry of Defence, which in accordance with Article 10 of the Law on Security Services of the Federal Republic of Yugoslavia is entrusted with the tasks that cover gathering, analysis, evaluation and submission of data and information on potential and real threats from international and foreign organisations, groups and individuals, directed against the Military Forces of Serbia, Ministry of Defence, as well as against sovereignty, territorial integrity and defence of the Republic of Serbia.

The National Assembly of Serbia, through its Committee for Security, is entrusted with supervision of the both agencies of the Ministry of Defence.

3. Security-Information Agency (BIA)

The Security-Information Agency was established as a special agency of the Republic of Serbia by the Law on Security-Information Agency (*“Official Journal of the Republic of Serbia”, No. 42/02*) and, in accordance with provisions of that law it is in charge of activities relating to the fight against international organised crime, that is with the duties and task that include: detection, investigation and documentation of the gravest cases of organised crime with the foreign element, such as smuggling of narcotics; illegal migrations and human trafficking; smuggling in arms; counterfeiting and money laundering, as well as the gravest forms of corruption connected with international organised crime.

An important part of the work of Security-Information Agency is investigation, detection and documentation of connection between individuals, groups and organisations participating in the international organised crime and terrorism.

The Agency is composed of organisational units that deal with different tasks relating to the fight against international organised crime in accordance with the law and the directives received from the Government of the Republic of Serbia. Accordingly, the Counter-Intelligence Department has separate units that are in charge of operate/security activities geared towards the fights against terrorism and international organised crime. On the other hand, the Educational-Research Centre, also formed within the Agency, has the task of training personnel engaged in the fight against international organised crime.

BIA has developed international co-operation with over forty security services abroad. Also, it actively participates in the work of meetings organised by the Conference of intelligence services of South-East Europe and the Conference of Middle European Countries.

On the basis of provisions of the Law on Criminal Procedure (Article 232, 233, 504lj and 504m), BIA, based on the warrant of the investigation judge in the criminal cases with the element of organised crime, is entrusted with concluding simulated undertakings and providing undercover agents as well as recording telephone and other conversations or communications.

The control over the work of the Security-Intelligence Agency is conducted by the National Assembly of Serbia.

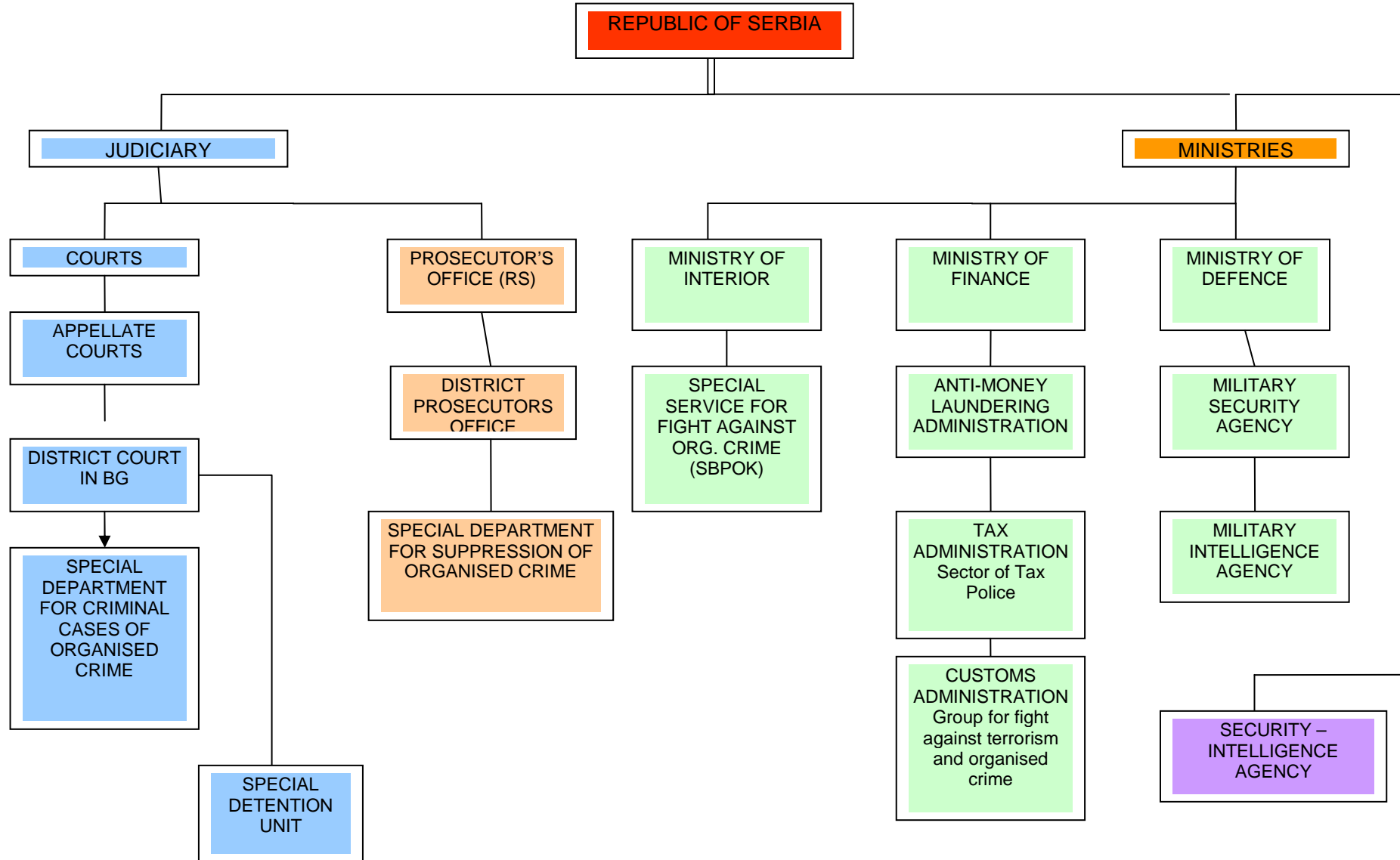
Jurisdiction and competences of government authorities participating in the fight against organised crime are determined in the following laws:

- Criminal Code (*“Official Journal of the Republic of Serbia”, Nos. 85/05, 88/05 – amendment, 107/05 – amendment*),
- Law on Criminal Procedure (*“Official Journal of the Federal Republic of Yugoslavia”, Nos. 70/01, 68/02 and “Official Journal of the Republic of Serbia”, Nos. 58/04, 85/05 – other law, 85/05, 115/05 and 49/07*) and Law on Criminal Procedure (*“Official Journal of the Republic of Serbia”, Nos. 46/06, 49/07 and 122/08*),
- Law on Police (*“Official Journal of the Republic of Serbia”, Nos. 101/05*),
- Law on Organisation and Jurisdiction of Government Authorities in Suppression of Organised Crime (*“Official Journal of the Republic of Serbia”, Nos. 42/02, 27/03, 39/03, 60/03 – US, 67/03, 29/04, 58/04 – other law, 45/05 and 61/05*),

- Law on Principle Organisation of Security Services (*“Official Journal of the Republic of Serbia”, No. 116/07*),
- Law on Security Services of the Federal Republic of Yugoslavia (*“Official Journal of the Federal Republic of Yugoslavia”, No. 37/02 and “Official Journal of Serbia and Montenegro”, No. 17/04*),
- Law on Security-Intelligence Agency (*“Official Journal of the Republic of Serbia”, No. 42/02*),
- Law on the Seizure and Confiscation of the Proceeds from the Crime (*“Official Journal of the Republic of Serbia”, No. 97/08*),
- Law on Liability of Legal Entities for Criminal Offences (*“Official Journal of the Republic of Serbia”, No. 97/08*),
- Law on the Protection Programme for Participants in Criminal Proceedings (*“Official Journal of the Republic of Serbia”, No. 85/05*),
- Customs Law (*“Official Journal of the Republic of Serbia”, Nos. 73/03, 61/05, 85/05 – other law and 62/06 – other law*),
- Law on the Prevention of Money Laundering (*“Official Journal of the Republic of Serbia”, Nos. 107/05, 117/05 – amendment and 62/06 – other law*),
- Law on Tax Procedure and Tax Administration (*“Official Journal of the Republic of Serbia”, Nos. 80/02, 84/02 – amendment, 23/03 – amendment, 70/03, 55/04, 61/05, 85/05 – other law, 62/06 – other law and 61/07*),
- Law on the Execution of Criminal sanctions (*“Official Journal of the Republic of Serbia”, No. 85/05*)
- Law on Organisation and Jurisdiction of Government Authorities in suppression of Highly Technological Crime (*“Official Journal of the Republic of Serbia”, No. 61/05*).

Remark: The Government of the Republic of Serbia has passed the National Strategy for the Fight against Organised Crime (*“Official Journal of the Republic of Serbia”, No. 23/2009*) which was published on April 4, 2009. On the basis of this document the Government shall determine the Action plan for the carrying out of the Strategy within the six month period.

AN OVERVIEW OF STATE ORGANS PARTICIPATING IN THE FIGHT AGAINST ORGANISED CRIME



III. INTERNATIONAL JUDICIAL CO-OPERATION

Article 7 of the Law on Ministries (*“Official Journal of the Republic of Serbia”, No. 65/2008*) proscribes the jurisdiction of the Ministry of Justice of the Republic of Serbia, which among other things covers: mutual judicial assistance, extradition, passing a decision on surrender of accused persons to the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, etc. From what is stated above it is clear that the Ministry of Justice is the principal body for international juridical co-operation.

Organisation of the Ministry of Justice

The work of the Ministry of Justice of the Republic of Serbia is organised in six sectors, out of which the Sector for Normative Affairs and International Co-operation (along with the normative work such as preparation of legislation and development of judicial system) is in charge of: international co-operation, overview of the work of international organisations and associations falling within the competences of the Ministry, international legal assistance.

The Sector is organised in two divisions: International Legal Assistance Division and Normative affairs and international co-operation Division.

Normative affairs and international co-operation Division is in charge of the following, apart from the normative work:

- Following the process of realisation of the programme of European integration;
- Harmonisation with the EU, OECD and the Council of Europe legislation;
- Work on the international obligations from the scope of competences of the Ministry;
- Preparing reports on the obligations stemming from the relevant international instruments falling within the scope of competences of the Ministry;
- Making proposals for further fulfilment of international obligations;
- Preparation of reports on accession to the EU (part relating to the work of the Ministry).

International Legal Assistance Division is in charge of international legal assistance which, among other things covers:

- Acting upon requests for assistance from domestic and foreign courts and other competent domestic and foreign state organs;
- Giving up and taking over criminal prosecution of the accused;
- Extradition;
- Execution of foreign criminal judgments;
- International conflict of law provisions;
- Application of statutory and contractual reciprocity;
- Recognition and execution of foreign judgments and arbitral awards;
- Co-operation with UNMIK.

For acting upon requests, the Law on organisation of courts has envisaged Municipal courts as competent, in both civil and criminal matters.

By enactment of the *Law on International Legal Assistance in Criminal Matters (“Official Journal of the Republic of Serbia”, No. 20/2009)* courts and prosecutor’s offices have been determined as competent for providing international legal assistance in criminal matters. This is due to the fact that the new laws envisage extended role of prosecutor, mainly in the area of investigation.

A special case of the international legal assistance is the case of co-operation with *the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991*. Co-operation with this international Tribunal is defined in the Law on Co-operation of Serbia and Montenegro with the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 (*“Official Journal of the Federal Republic of Yugoslavia”, No. 18/2002 and “Official Journal of SCG”, No. 16/2003*). This law provides that, apart from the Ministry of Justice and the competent courts and prosecutor’s offices, the co-operation is to be executed through the Ministry of Foreign Relations. The competence for co-operation with the International Criminal Tribunal is further defined in the Decision on Establishment of the National Council for Co-operation with the International Tribunal (*“Official Journal of the Republic of Serbia”, No. 50/2007*).