



\*The responsibility for the content lies exclusively with every responding State and does not constitute the official position of the Council of Europe.



## LEGAL AND JUDICIAL INFORMATION ON MIGRANT SMUGGLING

### SERBIA

Last update 31/10/2023

### GENERAL INFORMATION ON MIGRATION



### MAIN FIGURES AND TRENDS

In the period from 01.01. until 22.10.2023. year, a total of 35,485 illegal crossings were prevented at the state borders of the Republic of Serbia, which represents a drop of 26% compared to the same period in 2022, when 47,937 crossings were prevented.

Prevented illegal crossings 01.01-22.10.2022./2023.									
Border with	input			output			TOTAL		
	2022.	2023.	trend	2022	2023	trend	2022	2023	trend
North Macedonia	36.645	19.462	-46,9	26	14	-46,2	36.671	19.476	-46,9
Bulgaria	3.289	10.142	3,1 x more	2	13		3.291	10.155	3,1 x more
Hungary	19	15	-21,1	4.060	2.970	1,4 x less	4.079	2.985	1,4 x less
Bosnia and Herzegovina	14	25	78,6	174	1.649	9,5 x more	188	1.674	8,9 x more
Croatia	14	33	135,7	386	563	45,9	400	596	49,0
Aerial exceeds	114	189	65,8	119	158	32,8	233	347	48,9
Romania	1	27		2.957	204	14,5 x less	2.958	231	12,8 x less
Montenegro	104	14	7,4 x less	13	7	-46,2	117	21	5,8 x less
Total	40.200	29.907	-25,6	7.737	5.578	-27,9	47.937	35.485	-26

A decrease in the number of prevented illegal crossings was also registered at the entrance to the Republic of Serbia by 25.6% (from 40,200 in 2022 to 29,907 in the same period in 2023), as well as at the exit from the Republic of Serbia by 27.9% (from 7,737 in 2022 to 5,578 in the same period of 2023).

Migrants most often enter the territory of Serbia from the Republic of North Macedonia or the Republic of Bulgaria. At the entrance from the Republic of North Macedonia, 19,462 illegal

# COUNTRY FACTSHEET\* – Smuggling of migrants



\*The responsibility for the content lies exclusively with every responding State and does not constitute the official position of the Council of Europe.



crossings were prevented (65% of the total number of illegal crossings prevented), but a decrease of 46.9% was registered compared to the same period in 2022 (36,645 prevented). On the other hand, over 3 times as many illegal crossings were prevented at the border with the Republic of Bulgaria (from 3,289 to 10,142). The number of prevented illegal crossings does not reflect the real migratory situation, since all indicators indicate that the migratory pressure from the territory of the Republic of Bulgaria is significantly higher than from the territory of the Republic of North Macedonia. The lower number of prevented illegal crossings on the Bulgaria-Serbia border compared to the North Macedonia-Serbia border is a consequence of the terrain configuration that makes it difficult to secure the state border on the one hand, as well as the length of the state border itself (360.5 km). Bearing in mind the intensity of the migratory pressure from Türkiye to Bulgaria, as well as the data of other state authorities and other countries, it is assumed that the migratory pressure from Bulgaria is significantly higher. On the other hand, the reduction of migratory pressure on the part of the border towards North Macedonia is a consequence of the redirection of migrants to the route that leads from Türkiye to Bulgaria.

From the territory of Serbia, migrants move further towards the border with Hungary, where 2,970 illegal crossings were prevented, which represents a decrease of 1.4 times compared to the same period in 2022, when 4,060 crossings were prevented. A significant movement of migrants from Serbia to Bosnia and Herzegovina has been observed, and the border with Bosnia and Herzegovina is increasingly being used as an exit point from the territory of Serbia, both due to the increased measures taken at the border with Hungary, and due to the entry of the Republic of Croatia into the Schengen zone. In the period from 01.01. until 22.10.2023. on the border with Bosnia and Herzegovina, at the exit from the Republic of Serbia, 1,649 illegal crossings were prevented, which is 9.5 times more than in the same period of the previous year (174 prevented in 2022).

In the same period, 596 illegal crossings were prevented at the border with the Republic of Croatia, of which 563 were at the exit from the Republic of Serbia, which represents an increase of 45.9% compared to the same period in 2022 when 386 illegal crossings were prevented.

On the border with Romania, 231 illegal crossings were prevented, which compared to the same period in 2022 (2,958), represents a drop of 12.8 times.

The Republic of Serbia has a unique situation on the border with Hungary, which has a wire protective fence erected almost along its entire length with the Republic of Serbia. In accordance with its legislation, any foreigner who finds himself on the territory of Hungary, and who does not have proof that he entered Hungary legally, is "departed" through temporary gates at the protective fence, to a small part of its territory that gravitates towards the territory of the Republic of Serbia. In the absence of elections, irregular migrants in that situation illegally enter the territory of the Republic of Serbia and group in improvised camps along the border. In the period from 01.01.2023. until 15.10.2023. Hungarian border authorities escorted 103,696 irregular migrants through the transit gates to the Republic of Serbia in 2016, which is a decrease of 27% compared to last year.

Irregular migrants are not interested in staying for a long time on the territory of the Republic of Serbia. In this regard, the number of persons who express their intention to seek asylum in the Republic of Serbia is relatively small. In the period from 01.01.2023. until 22.10.2023. 1,396 Certificates of Registration of foreigners who expressed their intention to request asylum in the



\*The responsibility for the content lies exclusively with every responding State and does not constitute the official position of the Council of Europe.



Republic of Serbia were issued, which is a decrease of about 60% compared to the same period in 2022.

**The main characteristic of irregular migration on the territory of the Republic of Serbia** is that the largest number of migrants enter the Republic of Serbia on foot, through the so-called green lines, and they leave on foot towards Croatia, on foot, that is, over the temporary protective fence that Hungary has set up along the border with the Republic of Serbia, by river - over the Danube to Croatia (smaller number), over the Drina to Bosnia and Herzegovina (in most cases on this part of the state borders) and hidden in trucks (according to Hungary and the Republic of Croatia).

It is also characteristic that migrants during transit through the Republic of Serbia intensively use the accommodation facilities of reception centers (12) and Asylum Centers (6), which are under the jurisdiction of the Commissariat for Refugees and Migration of the Republic of Serbia. They spend an average of 10 days in the aforementioned centers before continuing their journey to their desired destination. According to the data of the Commissariat for Refugees and Migration, in the period from 01.01.2023. until 22.10.2023. a total of 91,856 irregular migrants were registered in reception centers, which is compared to the same period in 2022, when 97,682 persons were registered, a decrease of 5.96%.

**The movement of irregular migrants through the territory of the Republic of Serbia is completely organized by people smugglers** : from the moment of illegal entry into the Republic of Serbia, illegal stay and transit to illegal exit from the Republic of Serbia. The price for smuggling through the territory of the Republic of Serbia differs in relation to the final destination, route and method of smuggling. For example, the smuggling of migrants on foot from Serbia to Hungary and by vehicles to the Republic of Austria is charged up to 3,000 euros, smuggling by small boat across the Drina to Bosnia and Herzegovina and by vehicles to the Republic of Italy is charged around 800 euros, smuggling in trucks from the Republic of Serbia to the Republic of Croatia or Hungary and up to 8,000 euros is charged up to the Federal Republic of Germany.

Another characteristic of irregular migration in the Republic of Serbia is the presence of armed criminal groups made up of migrants themselves who are engaged in smuggling other migrants. They use weapons exclusively for mutual conflicts over supremacy in order to smuggle migrants. The Ministry of Internal Affairs of the Republic of Serbia reacted to this phenomenon by forming a special Working Group in July 2022 with the aim of solving all security challenges brought by irregular migration whose route leads through its territory and raising the level of security of the citizens of the Republic of Serbia. In the period from 01.01.2023. until 15.10.2023. members of the Working Group found 90 different firearms and 4,022 firearm ammunition with irregular migrants.

It is also important to mention the work of the Task Force for the fight against human trafficking formed in the Public Prosecutor's Office for organized crime in accordance with the Law on the Organization of State Bodies in the Suppression of Organized Crime, Terrorism and Corruption, which was formed in 2017 before the adoption of this law under the name of the Permanent Strike Group for the Fight against people smuggling as a reaction to the migrant crisis. From the beginning of 2017 until October 25, 2023, 40 organized criminal groups with a total of 325 suspected persons were processed, when a total of 4664 persons who were illegally transferred across the state border were identified. Of all the suspects processed by the Permanent Task Force, the proceedings for 255 suspects were legally ended with the



\*The responsibility for the content lies exclusively with every responding State and does not constitute the official position of the Council of Europe.



confession of a criminal offense, on which 517 years and 6 months of imprisonment were legally imposed, while a total of 404,790 was confiscated from these persons in the name of confiscation of illegal property benefits. euros, 1,354,642.36 dinars and \$2,500, while also on those occasions 53 motor vehicles and a large number of means of communication such as mobile phones and computers, which were used to commit criminal acts, were confiscated.

## ➔ MIGRATORY ROUTES

The Republic of Serbia is located on the so-called The Western Balkan route of irregular migration where two main entry points are registered:

- the first leading from the Republic of Türkiye via the Republic of Greece and the Republic of North Macedonia
- the second leading from the Republic of Türkiye via the Republic of Bulgaria.

The entry points are then separated mostly towards Hungary, then towards Bosnia and Herzegovina and less towards the Republic of Croatia.

On the strip of the state border with the Republic of North Macedonia, smuggling on the "green line" is used to a good extent, in the area of the town of Miratovac as the most common mode, where the frequent use of GPS applications with a pre-entered direction of movement was recorded. After traveling on local and main roads, persons are transported from Preševo and Bujanovac to Belgrade on the A1 highway, most often to a park near the Belgrade bus station, where contact is made with citizens of the Republic of Serbia for transportation to one of the reception centers or with foreign citizens for organization further smuggling.

As for the most frequent exit of migrants from the Republic of Serbia on the border with Hungary in several places, most often near the border crossing Horgoš, smuggling is carried out using ladders over a wire fence and that is entirely organized by foreign citizens, irregular migrants, who organize the smuggling of migrants through state borders. These acts of illegal transfer of migrants are often recorded in order to advertise their services on social networks. Syrian, Afghan and Moroccan criminal groups are the most active in this area towards Hungary, which occasionally clash and in armed confrontations trying to maintain their positions on the border towards Hungary.

At the entrance to the Republic of Serbia, by country of origin, the most represented are Syrian and Afghan citizens who make up over 60% of all irregular migrants. The third most represented are migrants from Morocco.

A significant number of citizens of the Republic of Türkiye were recorded at the exit from the Republic of Serbia, so that the citizens of Syria, Türkiye, Afghanistan and Morocco are the most represented in the illegal crossing of the state border - at the exit from the Republic of Serbia.

The most common destination countries are: Italy, Austria, Germany and France. During 2022, the following countries were also registered as destination countries : Spain (for citizens of India and Cuba), France (for citizens of Tunisia and Morocco), Great Britain (for citizens of Afghanistan and Vietnam) and others.



\*The responsibility for the content lies exclusively with every responding State and does not constitute the official position of the Council of Europe.



## INSTITUTIONAL ORGANISATION

The migration situation on the territory of the Republic of Serbia is **jointly monitored by the Commissariat for Refugees and Migration and the Ministry of Internal Affairs**. In this regard, in order to respond to the increased influx of irregular migrants, the Commissariat, in cooperation with the Ministry of Interior and other ministries, adopts a Plan for responding to the increased number of migrants on the territory of the Republic of Serbia once a year. By the conclusion of the Government, the same was adopted: for the year 2022 (28.07.2022) and for the year 2023, (22.06.2023).

**In the Ministry of Internal Affairs of the Republic of Serbia**, the Border Police Directorate is responsible for the area of irregular migration (law enforcement, border control, etc.), while repression related to migrant smuggling through identification of cases, collection of evidence, arrest and filing of criminal charges against persons suspected of committed the criminal offense "*Illegal crossing of the state border and people smuggling*" from Art. 350 of the Criminal Code of the Republic of Serbia, jurisdiction is divided between police administrations (Departments or inspectors) and the Service for the Fight against Organized Crime, in which the Department for the Suppression of Human Trafficking and Human Smuggling was established, whose police officers deal with the suppression of organized human smuggling.

Migration management is based on the protection of the rights of persons in the process of migration, while respecting, to the greatest extent possible, the specificity of their needs and interests in accordance with the capabilities of the Republic of Serbia.

The Law on Migration Management in the Republic of Serbia stipulates that migration in the Republic of Serbia is **managed by the Commissariat for Refugees and Migration of the Republic of Serbia**. There are 6 asylum centers and 12 reception centers within the Commissariat for Refugees and Migration of the Republic of Serbia. The Border Police Directorate, as an organizational unit within the Ministry of Internal Affairs, which is one of the institutions dealing with migration issues in the country, is guided in its work on migration and asylum primarily by the Law on Foreigners, the Law on Asylum and Temporary Protection, the Law on border control and the Migration Management Act.

The Law on Border Control stipulates that the Ministry of Internal Affairs, **the Border Police Directorate** directly performs border control tasks (border checks and surveillance of the state border), tasks related to the movement and residence of foreigners, suppression of irregular migration and cross-border crime, risk analysis, asylum tasks, cross-border cooperation, integrated border management, work related to professional standards, police skills, operational support and equipment. The Border Police Directorate has around 3,300 employees distributed in 7 organizational units at the headquarters and 8 regional centers in the field, and it also has 3 shelters for foreigners where foreigners stay under increased police supervision in accordance with the Law on Foreigners in the Return Procedure, and for the purpose preparation of return or execution of forced removal. In its work, it adheres to the established Integrated Border Management Strategy for the Republic of Serbia for the period from 2022 to 2027 and the established Strategic Police Plan for the period from 2022 to 2025.



\*The responsibility for the content lies exclusively with every responding State and does not constitute the official position of the Council of Europe.



The internal by-laws stipulate that **the Criminal Police Department** (in the headquarters, Police Department for the City of Belgrade and Regional Police Departments -26) is responsible for dealing with criminal offenses related to smuggling of migrants.

Regardless of the reforms in the Ministry of Internal Affairs, on 31.05.2019. by the order of the Chief Public Prosecutor for Organized Crime, a **Task Force for Suppression of Human Smuggling and Human Trafficking** was formed, which includes the Public Prosecutor, and the members of which are representatives of the Ministry of Internal Affairs from the Criminal Police Department and the Border Police Department, the Ministry of Finance, the Customs Department and Administration for the Prevention of Money Laundering, as well as representatives of the Security Information Agency.



## LEGISLATIVE FRAMEWORK

In the [Criminal Code of the Republic of Serbia](#) the criminal offense which in its essence contains the act of human smuggling is defined in Article 350 Illegal Crossing of State Border and Human Trafficking.

### **Article 350 Illegal Crossing of State Border and Human Trafficking.**

1. *Whoever without a required permission crosses or attempts to cross the border of Serbia, under arms or by use of force, shall be punished with imprisonment of up to one year.*
2. *Whoever enables another illegal crossing of the Serbia border or illegal sojourn or transit through Serbia with intent to acquire a benefit for himself or another person shall be punished with imprisonment of one to eight years.*
3. *If the offence specified in paragraph 2 of this Article is committed by an group, by abuse of authority or in a manner endangering the lives and health of persons whose illicit crossing of the Serbian border, sojourn or transit is being facilitated or if a larger number of persons is being smuggled the perpetrator shall be punished with imprisonment of two to twelve years.*
4. *If the offence specified in paragraph 2 of this Article is committed by an organized group, the offender shall be punished with imprisonment of three to fifteen years.*
5. *The means intended or used for commission of the offence specified in paragraphs 1 through 3 of this Article shall be impounded.*

**In Article 57 of the Criminal Code**, this criminal offense (paragraphs 3 and 4) is marked as one of the criminal offenses for which it is not allowed to reduce the sentence.

**Article 162 of the Code of Criminal Procedure** of the Republic of Serbia stipulates that special evidentiary measures are applied to this criminal offense under the conditions of Art. 161.

According to the **Criminal Code of the Republic of Serbia, in Art. 388, 389 and 390 are also defined the criminal offences:** Human Trafficking; Trafficking in minors for the purpose of adoption and Establishing a slave relationship and transporting persons in a slave relationship.

The strategic framework for the subject area is represented by the Strategy for the Prevention and Suppression of Trafficking in Human Beings, Especially Women and Children, and the Protection of Victims 2017-2022, although it has expired, it also contains definitions of basic



\*The responsibility for the content lies exclusively with every responding State and does not constitute the official position of the Council of Europe.



concepts from this field. The normative framework is given in the introductory part of the mentioned strategy.

At the same time, the Decision was adopted on the establishment of the Council for the fight against human trafficking ("Official Gazette of the RS", no. 92/17 and 60/23), as an expert advisory body of the Government established to coordinate national and international activities to fight against human trafficking, consideration reports of relevant bodies of the international community on human trafficking, taking positions and proposing measures for the implementation of recommendations by international bodies in the fight against human trafficking, monitoring and evaluating progress in the implementation of national strategic documents in the field of combating human trafficking, harmonizing the actions of competent state institutions that are of importance for the fight against human trafficking and proposing measures to solve the observed problems and the engagement of the necessary resources.



## JUDICIAL FRAMEWORK

The [provisions of the Code of Criminal Procedure](#) are relevant for the prosecution of perpetrators of the criminal offense of Illegal Crossing of State Border and Human Trafficking stipulated by Article 350 of the Criminal Code.

The criminal offense referred to in Article 350 of the Criminal Code is prosecuted ex officio, and the public prosecutor is authorized to initiate the proceedings. **Criminal prosecution** shall be initiated by the first action of the public prosecutor, or authorized police personnel based on a request of a public prosecutor, undertaken in accordance with this Code for the purpose of investigating the grounds for suspicion that a criminal offence has been committed or that a certain person has committed a criminal offence.

Article 162 of the Code of Criminal Procedure of the Republic of Serbia stipulates **that special evidentiary measures are applied** to this criminal offense under the conditions of Article 161 (Criminal Code, article 350 paragraph 2 and 3). According to the Code of Criminal Procedure of the Republic of Serbia, as methods of combating the smuggling of migrants as a form of organized crime, within the framework of special evidentiary actions, the following are distinguished: Covert Supervision of Communication (Article 166); Covert Surveillance and Recording (Article 171); Simulated Deals (Article 174); Computer data search (Article 178); Controlled delivery (Article 181); Undercover Investigator (Article 183).

The Law on Organisation and Competence of State Authorities in Suppression of Organised Crime, terrorism and corruption is also important for authorities in the fight against organized crime, terrorism and corruption, which regulates the establishment, organisation, competence and authorisations of state authorities and special organisational units of state authorities for the purpose of detection, criminal prosecution and trial for criminal offences set forth by this Law.

Related to the above, state bodies that deal with the issue of organized crime are:

- the Prosecutor's Office for Organized Crime ;
- the Ministry of Internal Affairs ;
- the competent organizational unit for suppression of organized crime, especially the department of the High Court in Belgrade for organized crime ;

# COUNTRY FACTSHEET\* – Smuggling of migrants



\*The responsibility for the content lies exclusively with every responding State and does not constitute the official position of the Council of Europe.



- Special department of the Court of Appeal in Belgrade for organized crime ;
- and the special detention unit of the District Prison in Belgrade.



## INTERNATIONAL COOPERATION

### Ministry of Internal Affairs

As human smuggling is a criminal offense in the field of transnational organized crime, cooperation at the bilateral level, both with police units in the region, and with the police of the Federal Republic of Germany, the Republic of Austria, the Kingdom of Spain and the National Criminal Agency of Great Britain in the previous period was constantly raised to higher level. Nevertheless, at the bilateral level, the cooperation in the last 10 years has been the most intensive with the Hungarian police - the National Bureau of Investigation. It was this cooperation and the evidence collected with the help of colleagues from Hungary that contributed to the successful prosecution of dozens of people smugglers.

Meetings with representatives of the Hungarian Police take place on a bilateral level through liaison officers at the Hungarian Embassy in Belgrade, multilateral meetings organized by the Criminal Intelligence Service Austria as support to the Task Force Western Balkans group, bilateral meetings on specific cases organized by SELEK and ad hoc meetings at the Horgoš or Roske border crossing on the Hungarian side, i.e. in Belgrade, Budapest or Szeged.

The aforementioned method of cooperation resulted in the initiation of the formation of the Operational Working Group at EUROPOL, by the Hungarian police, in which the police of Hungary, the Federal Republic of Germany and the Republic of Serbia participate. The goal of the establishment of the Operational Working Group is to improve joint work through direct cooperation, and to identify high-value targets, i.e. persons suspected of being leaders of criminal groups engaged in human smuggling, especially those who use violence during smuggling, and their prosecution.

In the past few years, cooperation has been especially intensified with EUROPOL, not only through participation and contributions to the established Analytical Project, but also through more frequent participation in multilateral meetings organized by the European Center for Combating Smuggling of Migrants - and participation in an increasing number of operational activities of the EMPACT priority Migrant Smuggling.

### The Supreme Public Prosecution

The Agreement on Cooperation between the Republic of Serbia and Eurojust was signed in 2019 after longstanding successful cooperation through the contact points designated for cooperation with Eurojust within the Ministry of Justice of the Republic of Serbia and the Republic Public Prosecution Office of the Republic of Serbia (which, as of May 10, 2023, in accordance with the new Law on Public Prosecution, continued to operate as the Supreme Public Prosecution). The agreement defines the scope and purpose of cooperation between the Republic of Serbia and Eurojust, expressed through the strengthening of cooperation



\*The responsibility for the content lies exclusively with every responding State and does not constitute the official position of the Council of Europe.



between Serbia and Eurojust in the fight against serious forms of crime, especially organized crime. The competent authority for the implementation of this agreement is the Republic Public Prosecution Office of the Republic of Serbia, and Article 5 of the Agreement stipulates that, in order to facilitate cooperation, the Republic of Serbia may appoint a liaison prosecutor.

Since the opening of the Office of the Liaison Prosecutor for Serbia to Eurojust that was opened in March 2020 in Eurojust's headquarters, the cooperation of the Republic of Serbia with Eurojust is successfully ongoing through this Office. The Office handled both operational and strategic cases. Liaison Prosecutor for Serbia was disseminating to competent national authorities' information and documents of relevance for relevant working areas, including migrant smuggling. It is to be noted that Serbia is taking part through a nominated representative in the work of the Focus Group of Prosecutors and Investigative Judges fighting migrant smuggling. Finally, Serbia is as well participating in voluntary assistance in relation to legal issues related to, inter alia, to migrant smuggling matters, providing contributions to various topics and questions discussed in Eurojust.

Observing the casework of the Office of the Liaison Prosecutor, it can be concluded that the dominant form of cooperation was the provision of assistance in the forwarding, monitoring of the execution and verification of the status of execution of mutual legal assistance requests. A total number of cases dealt by the Office of Liaison prosecutor since its opening until the end of 2022 amounts to 338 (including operational cases and general issues), out of which in total 227 operation cases, out of which 13 concerning migrant smuggling, 3 in 2022, 8 in 2021, and 2 in 2020. Taking the casework of this Office into account, Serbia was in the period since the opening of the Office of the Liaison Prosecutor among the top third countries with respect to the number of cases death with.

Coordination meetings are being viewed as an important tool for cooperation, and Serbian competent authorities have participated since the opening of the Office of the Liaison prosecutor in 2020 until the end of 2022 in total 32 coordination meetings, 2 of which concerned migrant smuggling cases, 1 in 2022 and 1 in 2021.

Serbia has taken part as well in a number of joint investigations teams, 4 of which have been formed in the period since the opening of the Office of the Liaison prosecutor up to the end of 2022, out of which one joint investigation team concerned migrant smuggling. We note as well that Serbia has taken part in joint investigation teams supported by Eurojust as well in the period before the conclusion of the Cooperation Agreement, noting that one team formed in 2015 has concerned migrant smuggling.

## **The Public Prosecutor's Office for Organised Crime**

Given that the crime of Illegal crossing of state borders and people smuggling from Article 350 of the Criminal Code of the Republic of Serbia is transnational in nature, it is necessary to use various mechanisms for international cooperation with, first of all, countries in the region, which is necessary above all at the police level in exchange of information, and also later during the conduct of criminal proceedings in the field of exchange of evidence, either within the framework of international legal assistance or the work of joint investigative teams.



\*The responsibility for the content lies exclusively with every responding State and does not constitute the official position of the Council of Europe.



International cooperation related to detection and prosecution of criminal offenses from Art. 350 CC (Criminal Code) is intensive and takes place especially with the countries in the region (Bosnia and Herzegovina, Montenegro, North Macedonia) as well as the countries of the European Union (Hungary, Austria, Romania and the Czech Republic). Cooperation takes place through direct contacts between the public prosecutors of the mentioned countries, as well as through the direct cooperation of police officers, and to this end, operational meetings are often organized regarding work on individual or joint cases, along with handling requests for international legal assistance. Liaison officers of the mentioned European countries, as well as countries that are not in the European Union, are involved in this kind of direct cooperation.

The most common type of cooperation in the conduct of pre-criminal and criminal proceedings is the so-called parallel investigation, which we conducted with the police and prosecutor's offices of Hungary, Bosnia and Herzegovina, North Macedonia and Montenegro. This type of cooperation gave the best results and strengthened the trust between the state authorities of the mentioned countries. This type of cooperation has always been accompanied by the logistics of international organizations whose mission in Serbia is precisely related to the provision of various assistance in the work of state bodies related to the prevention of illegal migration.

In addition, joint investigation teams were formed. A joint investigative team was formed together with representatives of the state authorities of Hungary and Austria, and its work was completed with the adoption of a final verdict in a short period of time. The second joint investigation team was concluded through Eurojust on 22.12.2022, whose members were, in addition to the Republic of Serbia, Germany and Romania, and which resulted in a successful international action that took place in these countries in parallel on June 8, 2023.

We note that out of a total of 40 organized criminal groups, the most processed in cooperation with the Hungarian state body, for a total of 16 organized criminal groups. A total of 150 suspects were deprived of their freedom and identified with the full identity of 1,216 migrants. We also emphasize that, of all countries in the region, we have the best cooperation in prosecuting the perpetrators of the crime of Illegal border crossing and people smuggling from Article 350 of the Criminal Code, with representatives of the Hungarian police.

In the field of combating human trafficking, the role of the European Union Agency for Cooperation in the Field of Criminal Justice, EUROJUST, whose goal is to deal effectively with international crime, most often organized, in which two or more member states participate, and which this problem of illegal migration and who are interested and willing to cooperate in the coordination of national judicial authorities should be noted.

At the same level, daily cooperation with EUROPOL at the police level is also necessary, as evidenced by the successful start in every case that we worked on within the Task Force for the fight against human trafficking. This cooperation must exist because, for example, the most common way of payment between migrants and people smugglers, in addition to direct cash payments and legal money transfer systems, is through the so-called hawala system, where is necessary to collect data (information and evidence) through international cooperation.



\*The responsibility for the content lies exclusively with every responding State and does not constitute the official position of the Council of Europe.



International organizations that contributed to the effective work of the Task Force, are mainly from the territory of Europe, but the contribution of the Office for International Assistance, Training and Professional Training of the Justice Department of the US Department of Justice (OPDAT) must also be emphasized, which played a significant role in supporting the effective to the work of the Task Force.



## RELEVANT CASES

### ❖ First case

Serbia has participated recently in a case supported by Eurojust and Europol that concerned in dismantling an organised crime group that allegedly smuggled hundreds of migrants to Germany. A joint investigation team between German, Romanian and Serbian authorities was set up with Eurojust's support to uncover and dismantle the internationally operating migrant smuggling network. During a joint action day organized in 2023, two suspects were taken into custody in Germany. Another nine individuals in Romania have been taken to hearings. Fifteen places were searched, eleven of which in Romania. The authorities seized luxury cars, cash, several mobile phones and other evidence. The Serbian police authorities had already arrested a trafficker responsible for coordination in Serbia in July 2022 as part of their own investigations.

The investigation began after several Turkish and Syrian nationals were arrested on German territory near the borders with Austria, the Czech Republic and Poland. The migrants had been smuggled from Türkiye to Germany via Bulgaria/Serbia and Romania on the so-called Balkan route, using different means of transport. For the journey between Timisoara (Romania) and Germany, the smugglers used lorries, with the migrants staying hidden among cargo for several days under inhumane conditions. For some parts of the journey, the migrants also had to cross borders on foot to avoid official border checkpoints. Between the different segments of the journey, the migrants were housed in overcrowded temporary accommodations that lacked basic hygiene. In total, the individuals under investigation in this case are suspected of having smuggled more than 560 people to Germany and more than 300 people to Romania. Each migrant had to pay between EUR 4000 and EUR 10 000, depending on the segment of the route. For instance, the criminals charged EUR 4000 to EUR 5000 for the transport from Romania to Germany.

Source: [press release published on Eurojust's website](#).

### ❖ Second case

The leaders of this criminal organized group, citizens of Serbia, after a verbal or telephone agreement with the suspects, a citizen of Lebanon and a citizen of Algeria, secured migrants who wanted to illegally transfer from Serbia to Bosnia and Herzegovina, issued assignments to other members of the organized criminal group who carried out illegal transit migrants through the territory of the Republic of Serbia from Belgrade to Ljubovia. After that, they organized an illegal crossing of the state



\*The responsibility for the content lies exclusively with every responding State and does not constitute the official position of the Council of Europe.



border and entry into the territory of Bosnia and Herzegovina outside the place marked for crossing the state border, by boat across the Drina river.

As a result of the work of the Permanent Task Force for the fight against human trafficking, the Prosecutor's Office for Organized Crime on 18.12.2019. issued an order on conducting an investigation against suspects for the criminal offense of illegal border crossing and people smuggling from Article 350 of the Criminal Code. Namely, the organizers of this group found and hired the drivers of the vehicles in which the migrants would be, as well as the so-called "cleaners", with the task of informing other members of the organized criminal group about police patrols along the movement of migrants on the road in the territory of Ljubovija to the Drina river. In addition, they were also looking for people who would manage the boat that the migrants were using to cross the Drina to the territory of Bosnia and Herzegovina. At the same time, migrants, organized by suspects from Algeria and Libya, were loaded onto buses traveling between Belgrade and Ljubovija on the territory of Belgrade, where other members of an organized criminal group were waiting for them and illegally transferred them across the Drina to Bosnia and Herzegovina.

In this way, this organized criminal group illegally transferred a total of 203 migrants from the territory of Serbia to the territory of Bosnia and Herzegovina, for financial gain ranging from 110 to 130 euros per illegal migrant.

This operational processing was carried out with the international cooperation of the police of Serbia and Bosnia and Herzegovina. During the pre-trial proceedings, at the meetings logistically supported by the SELEK Center (Southeast European Law Enforcement) from Bucharest, a parallel investigation in this case was agreed with the representative of the prosecution of Bosnia and Herzegovina.

During the investigation, plea agreements were concluded with all 6 suspects. In the plea agreements, a total of 12 years and 10 months of imprisonment was imposed, a total of 11,950 euros and 91,000 dinars, one passenger motor vehicle and several mobile phones were confiscated. All convicted organizers and members of an organized criminal group were obliged to pay the costs of criminal proceedings. In relation to the defendants of Algerian and Libyan citizenship, the hearings and subsequent plea agreements were carried out with the help of translators for their native Arabic language.

## ❖ Third case

Members of this organized criminal group accepted migrants who illegally crossed the border between Bulgaria and Serbia and then illegally transported them to Belgrade, after which the migrants illegally left the territory of Serbia. In this way, they enabled illegal transit through Serbia for 202 persons - migrants, who were citizens of Afghanistan and Pakistan. This is one of the first cases to be the subject of the work of the Permanent Task Force for Combating Human Smuggling.

After the pre-criminal procedure, which was conducted in international police cooperation between the police of the Republic of Serbia and the Republic of Croatia, the Prosecutor's Office for Organized Crime on 24.04.2017 issued an order on conducting an investigation KTI 6/17 against 10 suspected persons for the criminal



\*The responsibility for the content lies exclusively with every responding State and does not constitute the official position of the Council of Europe.



offense of illegal border crossing and people smuggling from Article 350 of the CC (Criminal Code).

In the period from 26.01.2017. until 11.03.2017 in the territory of Zaječar, Kragujevac, Kraljevo and Belgrade, an organized criminal group, for financial benefits ranging from 170 to 280 euros per foreign citizen - migrant, carried out their reception near the state border of Serbia and Bulgaria and illegal transit through Serbia. After receiving information that the migrants had illegally crossed the border between Bulgaria and Serbia and where they were, members of the organized crime group found vehicles, drivers and suspects who were carrying out a reconnaissance mission, checking whether there were any police on the migrants' route, after which they territories of Zaječar, Kragujevac and Kraljevo organized the illegal transit of migrants to Belgrade with the aim of their further illegal crossing of the border of Serbia and departure to one of the countries of the European Union.

Given that the two suspects were unavailable during the investigative procedure because criminal proceedings were being conducted against them in Croatia, the proceedings against them in Serbia were interrupted. In the course of the investigation, plea agreements were concluded with all 10 suspects, including the suspects who were unavailable, and who were subsequently deprived of their liberty. In the plea agreements, a total of 19 years and 2 months of imprisonment was imposed, a total of 22,750 euros, 5 passenger motor vehicles and several mobile phones were confiscated. All convicted organizers and members of an organized criminal group are obliged to pay the costs of criminal proceedings.

In this procedure, an Afghan citizen was prosecuted who waived the right to be translated into his Pashto and Persian languages during the criminal investigation, considering that he learned and understood the Serbian language because he lived in Serbia for a long time.

#### ❖ **Fourth case**

The large migrant crisis that began in 2015 also resulted in the opening of the "Balkan route" for people smuggling. In 2016, the Public Prosecutor's Office for Organized Crime filed an indictment against an organized criminal group headed by a Pakistani citizen for the crime of illegal border crossing and people smuggling. Apart from him, the indictment included Croatian and Serbian citizens.

The criminal group was organized to smuggle migrants in the time period from 13.04.2015. until 21.08.2015. In 2008, the organizers and members of an organized criminal group enabled 482 foreign citizens - migrants to illegally transit through the Republic of Serbia and illegally cross the state borders of Serbia and Hungary.

The modus operandi of this organized criminal group was to find and hire vehicles and persons on the territory of Belgrade, Čačak, Paraćin and Kragujevac who had the task of driving migrants from the area of Belgrade to Subotica, and then also persons who picked up migrants after illegally crossing the national borders with the Republic of Hungary and their further illegal transit to Austria as the final destination, with the participation of the so-called "cleaners" who drove in front of vehicles with migrants and warned of the police on the way. After that, payments were made to the participants in

# COUNTRY FACTSHEET\* – Smuggling of migrants



\*The responsibility for the content lies exclusively with every responding State and does not constitute the official position of the Council of Europe.



the smuggling either by direct payments, or through the "Western Union" payment institution, and the smuggling was carried out for a profit of 1,200 euros per illegal migrant. The money was divided between the co-organizers and other participants in smuggling depending on their role in these actions.

In this way, 19 acts of migrant smuggling were carried out, in which the illegal crossing of the state border of Serbia and Hungary was made possible for 18 citizens of Iraq, 33 citizens of Syria, 12 citizens of Eritrea, 8 citizens of Afghanistan, 9 citizens of Somalia, 3 citizens of Palestine and 399 foreign citizens of unknown nationality.

In this criminal proceeding, it is based on Article 19 of the United Nations Convention on Combating Transnational Organized Crime and Article 13 of the Convention on Mutual Assistance in Criminal Matters between Member States of the European Union, and with regard to the Republic of Serbia, Article 20 of the Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters criminal matters, the Agreement on the establishment of a joint investigative team between Austria, Hungary and the Republic of Serbia was drawn up.

During the investigation, some of the defendants entered into a plea agreement and were sentenced to a total of 20 years and 10 months in prison, a total of 313,077 euros and 1,700 USD, several mobile phones and other items and one passenger motor vehicle were confiscated.

After the conclusion of the investigative procedure, an indictment was brought against the leader of the organized criminal group and other defendants, with whom an agreement on the recognition of the criminal offense was concluded after the indictment. The leader of an organized criminal group was sentenced to a prison sentence of 4 years and 10 months and his unlawful property benefit of 72,677 euros was confiscated, and foreign currency in the amount of 45,000 euros, 212,306.56 dinars and 4,544.75 dollars was also permanently confiscated.

After the completion of the criminal proceedings, the four remaining accused persons were legally sentenced to a total of 13 years and 11 months in prison, and the items used in the commission of the crime and illegal property gain in the total amount of 5,950 euros were confiscated.