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Anti-Organised Crime Policy Conference

Belgrade, 21–22 November 2008

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THE ROLE OF HUMAN RIGHTS IN THE POLICING OF ORGANISED CRIME AND CORRUPTION

John Slater

This paper will consider the issue from a pragmatic and operational perspective. As I am neither a lawyer nor an academic, it will make little reference to other articles or case law. The paper will consider six main areas:

1. The conflict between the need for secrecy and the need for transparency.
2. The difficulty of providing public accountability when there are strong links between organised crime and corruption.
3. The complication of the politicization of organised crime. the tension between the investigation of allegedly corrupt politicians and the political demand for police transparency.
4. The difficulties created by timescales. Often data and intelligence concerning organised crime and terrorism needs to be kept for decades, even when the persons involved are not suspected of crime.
5. The sharing of data, intelligence and DNA, often obtained covertly, with other Countries. How do we maintain standards and keep control of our secrets?
6. Consideration of the human rights of police officers, state security staff, politicians and all involved in the processes of combating organised crime; particularly when these staff might be corrupted.

It must be understood that a 20 minute presentation can only briefly describe the issues and that the paper will cover greater depth. It must be stressed that whereas the paper will cover policy issues, it will not divulge operational tactics or secrets and therefore does not need any security restrictions.

Secrecy versus Transparency

Organised criminals regard their work primarily as a business, though they are very aware that in those areas of work that are illegal, they are doubly

vulnerable, firstly they cannot resort to law if others treat them unlawfully and secondly if police attention is drawn to this area of their business, they could face prosecution and imprisonment. Like any successful business organised crime is very sensitive to and aware of their risk and vulnerability and therefore will invest money in sophisticated assessment and intelligence gathering to have accurate intelligence on their exposure. This means that lawyers and private detectives will actively interrogate any systems of police accountability to find out if police are in any way suspicious of or investigating the unlawful side of the business or any of its employees.

To combat this, police need to be very cautious in maintaining security of data and police operations against organised crime, whilst being aware that police staff may be bribed or blackmailed to check internal databases for such evidence.

However, the public are particularly wary of police use of surveillance and of intelligence held on record and they demand accountability. The balance here is difficult and the paper will explore practical options to combat the problem, one or two of which may be included in the presentation, if there is time.

Organised Crime, Corruption and Transparency

The problem above becomes more complex and compounded because the amount of money available to organised criminals is often sufficient to tempt members of the police who, though not normally corrupt, find themselves financially vulnerable and succumb to temptation. Bribery is a 'victimless' crime in that neither giver nor receiver is ever likely to report it to police and in these circumstances, those bribed might be in highly trusted positions. Thus in assessing the risk and exposure of the police, one has to assume that at some stage, trusted officers will become corrupted and so security systems need as far as possible, minimize the dangers this presents and also be proactive to discover corruption, as it will not get reported routinely. Organised crime makes this more complicated as such businesses have 'honest' money as well as 'dishonest' money and can use honest money to secure police corruption. The paper will explore systems, including 'integrity testing' to minimize such exposure.

Politicization of Organised Crime

The experience of America, Italy and Holland is that in order to influence the police at a local level, the legitimate side of organised criminal business has found it useful either to sponsor political parties or, in some cases, start their own political party. By so doing, they can influence operational police decisions to the

benefit of their business, they can work to develop a level of trust as citizens and be taken into police confidence and they can demand transparency and police accountability in such a way as to improve their chances of discovering if they are being investigated. They may also use the police against other organised criminal gangs and as a result gain a commercial advantage. The paper will include examples, particularly one from Holland concerning immigration, and explain how systems can be introduced to minimize such influence.

Timescales

The public normally are not concerned over data held by police that is the result of an overt and accountable system, such as a criminal conviction. However, where the information concerns innocent people, and many organised criminals have no criminal record, or the information is held for a long time, they are concerned. Old data can quickly become inaccurate and police normally will not have time to keep updating it. So many countries have data protection legislation that requires old data to be scrapped.

However, in the case of both organised crime and terrorism, data can remain relevant for decades. Often the significance of information is not fully understood until years after it has been obtained. One case in which I was involved investigated an Italian Mafia family trying to buy its way into London casinos in order to establish a UK money laundering outlet. Information was exchanged between Genoa, Italy, Chicago, USA and London. Some information also came from Yugoslavia and Switzerland. The problem was dealt with in London by disrupting and displacing the criminals and no prosecution or conviction resulted in the UK. 19 years later, 22 members of the family were sentenced to over 400 years imprisonment in the USA and much of the information and intelligence held in London was relevant and important to achieving that result. Thus organised crime and terrorism need different rules and systems and the paper will explore these.

Data Sharing

Because organised crime is a business, including a legitimate side, then much of the information the police need is held within financial institutions. Some, like banks are private sector, but taxation authorities, customs, immigration and other government departments also have information that is needed to produce accurate and useable intelligence. This, in many countries, extends to local government and in Europe much of established organised crime is international in that it does not restrict itself to state boundaries. Thus there is a need for data held in

the public sector to be shared and for data to be secured from the private sector in such a way as not to alert those suspected. All this requires rules to be agreed between nations, between police and the private sector and regulations or laws governing the public sector. Most countries have data protection legislation and freedom of information laws. For the reasons given in the first subject heading, such laws aid the organised criminal's ability to monitor the police. This needs to be properly controlled to prevent the disruption of organised crime investigation and the paper will explore practical options to achieve this.

Human Rights of Police and Other Staff

When considering Human Rights in this context, it is easy to forget that police staff are all citizens and as such have human rights of their own. Some of these are incorporated into employment law. Police unions rightly are aware of the human rights implications of police staff policy and rules, yet organised crime often looks to corrupt police unions because they tend not to have the self regulation the police service itself has. Such corruption generally is not understood or identified by the unions who become compromised unwittingly.

The situation becomes difficult when the level of scrutiny required of members of staff involved in dealing with organised crime becomes so much higher than that of other staff and when such staff are suspected of corruption but where it cannot be proved or risk being brought before a court. Policies, practices and safeguards are needed and these will be explored in the paper.

Sensitivity

Because of the practical nature of the paper, and the lack of control over its contents once released, there will be some areas where tactics will need to be kept vague deliberately in order not to compromise those working in this area.

JOHN SLATER is a former chief superintendent from Scotland Yard, with experience as a police adviser in over 20 countries. He joined the Metropolitan Police in 1972 as a constable, having graduated in Pure Mathematics and Physics. For the next 8 years he gained a wide operational experience at busy police stations in central London. As a detective inspector he was transferred to Scotland Yard to work in criminal intelligence. There he helped introduce systems for intelligence management and assisted in managing complex intelligence for official secrets enquiries with both police and the intelligence services. He advised and assisted in managing police intelligence for compliance with the 1984 Data Protection Act.

As a detective chief inspector he worked with the investigation, disruption and prevention of international organised crime and the inevitable police corruption it attracts. In 1984 he left Scotland Yard to command several police stations and widen his operational command experience. In addition, from 1990 he lectured nationally and internationally on police ethics. Having commanded two large London police commands, (500 and 650 staff) he worked in the investigation of police corruption before becoming a police adviser to the Home Secretary (Interior Minister) in 1996. From 1993 he started working part time as a police adviser internationally and in 1998 became one of the UK police representatives to the Council of Europe, Strasbourg. There he was co-author of the CoE Code of Police Ethics. He then worked part time for the CoE as a police adviser, mostly in central and eastern Europe. In 2001 he became the CoE police adviser to the Interior Minister of Serbia. He resigned from the Metropolitan Police in 2002 and continued to work full time as a police adviser in the Balkans and Romania. He has worked in over 20 countries worldwide and continues to lecture internationally on police ethics.

CRIMINAL INTELLIGENCE IN FIGHTING ORGANISED CAR THEFT

Saša Mijalković

Activities by what is called “used car mafia” pose multiple threats to national security and public interests of Balkan countries in transition. As an immediate result of these rampant and increasingly violent and brutal organised crime activities, people have started to feel unsafe and frightened both for their own personal safety and for safety of their property. Enormous wealth generated through organised crime activities is used for boosting “grey economy” and developing other forms of criminal activities, such as drug trafficking, weapons proliferation and white collar crimes that mostly occur in the privatization process. Another cause for major concern is the fact that proceeds of such crimes are used to finance terrorism and influence those in political power through corruption of individual public officials. Such activities also endanger the environment, raising environmental pollution levels, as yet another by-product of “used car mafia” activities that must not be overlooked.

Serious approach in addressing problems of “used car mafia” will require national security measures and activities that need to rely on the current scope of both national and international theories on crime and security, including “the best criminal intelligence practices” and comprehensive criminal intelligence analysis of various aspects of that problem and its aspects related to etiology, phenomenology and victimology. To that effect, it will be necessary to conduct this analysis also for scientific, analytical and statistical purposes.

Such a research, which will also need to comply with requirements of comprehensiveness, accuracy, precision, impartiality and viability, may be conducted only within a specific criminal intelligence system. This will entail involving several law enforcement agencies and criminal intelligence professionals and joining them in a single national “intelligence network”. Mutual information exchange system, which will allow access to respective databases of everyone in the network, will facilitate analysis and planning of possible solutions to almost any

security concern. It will be necessary to define effective methods of intelligence data collection and primary processing and identify research topics and goals for analytical and statistical purposes, including goals of security assessments and forecasts that should be made in respect of future activities of the “used car mafia”.

SAŠA MIJALKOVIĆ, PHD, is Lecturer in Security Studies at the Crime Police Academy in Belgrade. He teaches “The essentials of security”, and “National security”, alongside a dynamic research career. He has authored or co-authored forty research papers and three monographs, namely *The Security Culture* (2004), *Human Trafficking* (2005), and *The Security Culture of the Youth* (2006).

THE CRIMINAL INTELLIGENCE NETWORK — A TOOL FOR THE CONTROL OF ORGANISED CRIME

Dragan Manojlović

Experts in criminal science are not focused on crime phenomenon *per se*, but are rather focused on problems pertaining to its manifestation and to issues of how relevant statistics may affect assessment of its impact. Such an approach can have various far-reaching effects. As early as in the late 18th century, criminal science, in both theory and practice, gradually abandoned a crime control model of what was called “fishing with a single hook and a single fishing rod or even fishing with multiple hooks and multiple fishing rods”, which were deemed as isolated attempts, and moved towards a model of criminal intelligence network in a criminal environment. At that time, there were some authors who believed that although “a big fish can be caught with a single hook, it is the use of a fishing net that can help catch several big fish and even their leader, the one followed by many smaller, but important fish.” Although this may not be obvious at a first glance, we are certainly “aware that both fishing models, the one using a single hook and a single fishing rod and the one using multiple fishing rods, are now ancient history to us and that the model of criminal intelligence network in a criminal environment is a much more effective tool.”

DRAGAN MANOJLOVIĆ, PHD, specialises in anti-organised crime policy and criminal intelligence, working for the Directorate of Crime Policy of the Serbian Ministry of the Interior. He is the author of *The Organised Criminal Group — Concept and Typology*, as well as numerous research papers.

CRIMINAL INTELLIGENCE AND THE TRADITION OF CIVIL AND HUMAN RIGHTS

Aleksandar Fatić

Methodology of development trends in modern policing is significantly different from traditional policing. Classical policing, being essentially reactive and activated only upon filing of a criminal report or detection of a crime committed, has almost entirely been replaced by a more proactive type of policing, also known as “intelligence-led policing”. This new style of policing has been introduced due to the nature of modern security threats, such as organised crime and terrorism, shifting the focus from prosecution to crime prevention, given drastic effects that such threats may cause.

The nature of proactive policing raises numerous issues concerning the traditional sphere of human and civil rights. Namely, this type of policing is based on an active and often aggressive process of intelligence gathering against persons who have no criminal record or persons who did not even commit any criminal offence whatsoever at the time of being subjected to this intelligence gathering. Hence, proactive policing, i.e. criminal intelligence, is highly likely to be abused and may raise various concerns over the integrity of use and retention of intelligence data collected in such a manner.

This paper will discuss some of the above issues, primarily new methods of fighting organised crime that have been developed mostly in the United States. In this context, human rights issues are regarded as one of the variables of modern “security society”. The paper will also discuss this issue in the context of “securitisation” of social discourse. The term “securitization” was invented by Ole Weaver, a Scandinavian theorist, to denote a tendency of modern political elites to associate all kinds of relations in a society with security concerns, with a view to justifying various forms of manipulation in the sphere of governance. The paper will explore this issue and ask how reasonable Weaver’s arguments may be and to what extent human rights restriction could be deemed acceptable, given the public perception of increasing threat posed by organised crime.

ALEKSANDAR FATIĆ, PHD, is Director of the Centre for Security Studies in Belgrade and Research Professor at the Institute of International Politics and Economics. He is the author of several books, the most widely cited of which is *Reconciliation via the War Crimes Tribunal?*, Ashgate Publishing, Aldershot, UK, 2000. His other publications include *Crime and Social Control in 'Central'-Eastern Europe: A Guide to Theory and Practice*, Ashgate Publishing, Aldershot, 1997, and the edited volume *Security in Southeastern Europe*, Centar za menadžment, Beograd, 2004. He has published numerous research papers in international journals and within edited volumes. Aleksandar has taught at the University of South Australia in Adelaide, the University of Tasmania in Hobart, Charles University in Prague, and he was a guest fellow at the London School of Economics. He has also delivered invited lectures at numerous universities, including the University of Helsinki, King's College London, St. Antony's College Oxford, University of Banja Luka, Bosnia and Herzegovina, University of Belgrade, etc. His main areas of academic interest include political philosophy and criminology.

COMBATING THE ILLICIT WEALTH BY EU LEGISLATION

Serafino Fiore

For several years the mechanisms of “freezing” and “blockade” of goods proceeds of crime, constitute one of the priorities of the European Union. The system for combating illicit wealth is considered one of the main mechanisms for ensuring the safety of citizens. On May 3, 2000, the Official Journal of the European Union has published an important document concerning the European Union Strategy for the beginning of the new millennium for the prevention and control of organised crime”. It argues that “the primary motive of most organised crime is the financial benefit. A prevention and effective control of organised crime must therefore focus on tracing the freezing, seizure and confiscation of proceeds of crime”. The legislator noted that the only way to effectively combat organised crime is the contrast of the assets.

In the last two decades this strategy has developed along two lines:

1. considering a criminal offence the movement of goods proceeds of the crimes related to organised crime organization; and
2. checking and seizing the concentration of wealth of those persons suspected of belonging to criminal organizations when this wealth is disproportionate if compared with income officially declared and when it is not possible to justify its sources.

The first trend line is the legislation to combat money laundering as a result of the Strasbourg Convention of 1990 that has imposed charges of collaboration to financial intermediaries with the obligation to report suspicious transactions (EEC Directive No. 368/91). Under this legislation investigators have been assigned special powers of investigation banking, search and seizure until the authorization of undercover operations. This type of legislation has received the maximum extent possible with the Directive 4 of December 2001 the European

Union, that extended the reporting requirements to very broad categories of intermediaries and professionals (lawyers and accountants).

Moreover, in the recent past, in Europe was developed a second line trend that concerns the control over the concentration of wealth on those persons linked to organised crime. In economic terms it was considered that the goods proceeds of crime, after the various stages of cleaning up in the financial markets, however, found their final destination in heritage partners participating in the criminal structures.

Taking note of this economic analysis, the strategy argues that the EU “should consider the possibility of mitigating the burden of proof, following the sentencing of a person for a serious crime, regarding the origin of goods in his possession. Such mitigation would require that the convicted should prove the licit possession of the goods concerned in attorney. If this does not happen with satisfaction of the court, such property could be deemed illegal proceeds of crime and confiscated”.

The European Union, in essence, takes over the mechanism provided for by Italian Law 356/92 for the contrast of good related to mafia and Recommendation U 19. E. indicates that “we should examine the possible need for an instrument which, taking into account best practices in Member States and with due respect for fundamental legal principles, introduces the possibility of mitigating under criminal, civil or fiscal law depending on the case, the burden of proof regarding the origin of assets held by a person charged with an offence related to organised crime”.

On the legislative perspective the legal instrument of confiscation changes its original function of securing assets and liabilities into a sort of penalty.

It should be noted that the Italian Supreme Court in its judgement No. 920 of 19 January 2004 have established that “the legislator, to identify crimes by sentencing the confiscation of assets, did not assume the derivation of those goods from the single criminal offence charged during the trial. In other words, the court should not find any connection between the derivation of confiscated property and the offence for which gives condemnation and even among these same goods and activity criminal of the offender”. This means that for the first time in the italian system is broken the link between the confiscated property and the crime that produced them and that the confiscation should always be ordered when there is a disproportion between the economic value of the properties and the income officially declared if the criminal doesn't have reliable explanation about the origin of these goods.

COLONEL SERAFINO FIORE, is the Italian Guardia di Finanza (financial police) Attachè based in Belgrade covering many countries in the Western Balkans. He is an experienced career police officer with more 25 years service with the Italian Guardia di Finanza and he is the holder of degrees in Law and in Economic Sciences. He has undertaken many investigational roles in different criminal fields such as: money laundering, drugs trafficking, the fight against organised crime, frauds against budget of European Union and crimes against freedom of competition. Prior to taking up his appointment here in Belgrade, he spent over 3 years working as Interpol Liaison Officer for Republic of Serbia. For a period of five years, his investigational expertise was recognised and used by the multi-agency Italian Anti-mafia Directorate. This Directorate was set up by the Italian authorities to investigate and prosecute mafia groups and their organised criminal activities. He has been commended on numerous occasions by the Italian authorities for dedication and expertise in the field of criminal investigation. He has also been prepared to shared his expertise and knowledge over the years, as an invited guest lecturer, to recruits passing through the Guardia di Finanza's training schools. The Liaison Office is predominately focused on the investigation for combating economic and financial crimes in all its forms, including money laundering, smuggling of goods and abuse of intellectual properties and forgery of trademarks. The aim of the office is to develop a relationship of confidence with its local law enforcement partners and to engage in mutually beneficial investigations into transnational organised crime that as it impacts on their respective countries and the Region.

MONEY LAUNDERING INVESTIGATIONS IN BOSNIA AND HERZEGOVINA: TRENDS AND PERSPECTIVES

Eldan Mujanović

Money laundering as a criminal offence was introduced in the criminal justice legislation of Bosnia and Herzegovina during the 2003 criminal law reforms. In order to harmonize the criminal laws at all three levels, all of the relevant European and universal standards and principles of the criminalization of money laundering were adopted and implemented. After detailed analyses it could be said that Bosnia and Herzegovina has fully harmonized its legal framework of controlling money laundering with the EU *Acquis communautaire* and other important international initiatives (UN Conventions, FATF Recommendations, etc).

In order to fully implement these laws, specialized institutions needed to be established that would cooperate with financial institutions and other relevant domestic and international counterparts. In this context, within the State Investigation and Protection Agency (SIPA), a police model of national financial intelligence unit has been established. It is an active member of the global anti-money laundering network.

This article is based on the author's research of law enforcement and the judicial implementation of money-laundering laws in Bosnia and Herzegovina between 2003 and 2007. The research shows that the detection and prosecution of money-laundering cases was mainly based on the information's received from the taxation authorities. The key methods of investigation were finding and confiscation of the business documentation and its expertise, *in flagranti* arrests of suspects and temporary confiscations. The focus of prosecution was on low-level offenders and persons at the end of the criminal chain. The main results of the prosecutions were plea bargains, minimum sanctions and a restrictive use of confiscation of illegally obtained property.

ELDAN MUJANOVIĆ, MA, is a Assistant Lecturer at the Sarajevo University Faculty of Criminal Sciences. He has been actively participating in research projects dealing with anti-money laundering, financial investigations and forfeiture of proceeds of crime.

METHODS OF FINANCIAL INVESTIGATION IN ANTI-ORGANISED CRIME POLICY

Goran Bošković

Globally speaking, modern fight against financially motivated forms of crime is focused on forfeiture of proceeds of crime and prevention of placement of illicit financial gain into legitimate money flows. This paper will highlight the importance and modalities of applying financial investigation methods in modern criminal justice practice. Application of these methods enables detection and tracing of proceeds of crime and serves as the basis for their forfeiture. Application of financial investigation methods is also very important in fighting organised crime, since proceeds of crime are perceived as the main economic lever of power in the hands of criminal organizations. Large amounts of illicit financial gain made by criminal organizations are potentially dangerous as they may be used for corruption in the sphere of legitimate business operations and government authorities. They also undermine the integrity of financial institutions and enable engagement in legitimate business operations, which can be extremely dangerous if used to support criminal activities.

GORAN BOŠKOVIĆ, PHD, is Lecturer within the Criminalistics Department of the Crime Policy Academy in Belgrade. He teaches Organised Crime as a subject. Goran has participated in a wide-ranging array of conferences, national and international training programmes, and is the author of *Money Laundering*, as well as a long sequence of research papers dealing with organised crime as a security issue.

FINANCIAL INTELLIGENCE IN SERBIA: EXPERIENCES SO FAR AND ROLE IN THE CRIMINAL JUSTICE SYSTEM

Milovan Milovanović

Serbian legal framework for the prevention of money laundering and financing of terrorism had evolved from the Law on the Prevention of Money Laundering, enacted in 2001, which criminalized money laundering in a manner that was incompatible with international standards, thus failing to provide an appropriate basis for fighting this type of crime, into the Criminal Code that came into force in 2006, where money laundering was criminalized in keeping with international standards. Problems related to criminal procedure mostly occurred due to a small number of criminal prosecutions of money laundering cases. Reasons for this are interpreted differently by different institutions and the only way out of this situation is proper cooperation among all relevant agencies and their coordination by the prosecutor's office. Evolution of the legal framework for the prevention of money laundering started following the adoption of the Law on the Prevention of Money Laundering in 2001 and subsequently in 2005. The Serbian government determined a draft Law on the prevention of money laundering, which contained new provisions that were in compliance with the Third EU Directive on Money Laundering and also prohibited cash payments of goods and services over 15,000 euros, etc. The director of the Administration for the Prevention of Money Laundering has set up a working group to prepare a draft National Strategy for Combating Money Laundering and Financing of Terrorism, which, *inter alia*, proposed establishment of various task forces to deal with specific cases of money laundering, including appointment of liaison officers from the police and anti-money laundering Administration in order to coordinate work on particular cases.

Various Serbian institutions are involved in the system of combating money laundering and financing of terrorism, with the Administration for the Prevention of Money Laundering as the main coordinating body. This

Administration is Serbia's Financial Intelligence Unit (FIU) has been organised as a separate entity within the Ministry of Finance, and as such belongs to the classical administrative type of FIUs. Banks and other obligors referred to in the Law on the Prevention of Money Laundering are obliged to report to the Administration suspicious transactions, including cash transactions over a certain limit. Only a few transactions were reported during the first year of operation, but their number increased significantly in subsequent years. Such headway was made due to improved data reception mechanisms and tightened supervision by the National Bank of Serbia and Securities Commission. Other supervisory bodies have not yet joined the system, which is why most obligors have been rather inert. The Administration analyzes data supplied by obligors, together with data supplied by other government agencies, and then reports its findings to the police, prosecutor's office or other relevant law enforcement agencies. Data exchange has also been improving steadily with a constant increase in professional experience of those involved in the system of combating money laundering and financing of terrorism. Further raising of awareness of everyone involved in the system, coupled with continuous training, is a *conditio sine qua non* for system development and improved performance in this field.

MILOVAN MILOVANOVIĆ works for the Directorate for the Serbian Government's Anti-Money Laundering Policy, tasked with the drafting of laws and other regulations dealing with anti-money laundering policy and the measures to counter the financing of terrorism. He is a permanent member of the Serbian delegation in the Council of Europe's committee charged with issues of money laundering and the funding of terrorism (Moneyval), as well as of the Anti-Money Laundering Directorate's delegation to the EGMONT Group, which gathers the national financial intelligence services of the member countries.

CULPABILITY IN THE CRIME OF MONEY-LAUNDERING

Dragan Jovašević

The current structure of both national and international crime is dominated by crimes against the property of natural and legal persons (and even property of entire countries), where individuals, groups and organizations conduct their criminal activities with a view to making illicit profit. As if commission of crimes does not seem to be enough, criminals later try to legitimize proceeds of their crimes, place them in legitimate money flows and attempt to make them appear legal. They are anxious to cover up the real origin of their “dirty money” or another illegal gain. Individual countries, as well as the entire international community, have, therefore, identified the threat of such criminal activities designed to launder and conceal the money or other proceeds acquired by criminal conduct. For this very reason, both the international law and individual pieces of national legislations (even the Criminal Code of the Republic of Serbia, its Article 231), now provide for criminal liability for money laundering as a crime that entails harsh sentences, in their effort to prevent and suppress money laundering.

DRAGAN JOVAŠEVIĆ, PHD, is Associate Professor of Criminal Law at the Law Faculty, University of Niš. He used to teach at the Crime Police Academy in Belgrade and at the postgraduate programme of the Faculty of Security Studies of the University of Belgrade. He has published numerous books and over 150 research papers. He is the author of a unique publication in this part of Europe — The Lexicon of Criminal Law, which has been printed in three editions so far.

THE ANTI-ORGANISED CRIME ROLE OF THE STATE PROSECUTOR

Jasmina Kiurski

The role and jurisdiction of the Public Prosecutor's Office in combating organised crime are governed by separate provisions pertaining to criminal procedure against organised crime, which are laid down in Chapter 29 of the Criminal Procedure Code and also in a separate Law on the Organization and Jurisdiction of Government Authorities in Suppression of Organised Crime. Prosecution of perpetrators of organised crime in the territory of the Republic of Serbia is in the jurisdiction of the Special Prosecutor's Office for the Suppression of Organised Crime within the Belgrade District Prosecutor's Office, headed by the special prosecutor for organised crime.

Working groups, which were set up by the Commission in charge of implementation of the National Judicial Reform Strategy in 2006, have prepared a draft Law on Public Prosecutor's Office, establishing a separate prosecutor's office, i.e. a Special Public Prosecutor's Office for Organised Crime of the Republic of Serbia, and a draft Law on government authorities involved in criminal proceedings against organised crime and other complex crimes, establishing a Special Public Prosecutor's Office for Organised Crime and Other Complex Crimes. A draft Law on forfeiture of proceeds of crime is also designed to help the Special Prosecutor's Offices to proceed with successful prosecution, given the complexity of organised crime and its threat to the society.

The importance of the Public Prosecutor's Office role in combating organised crime is mainly reflected in the Special Prosecutor's Office as the sole authority competent to assess whether a certain crime is to be classified as organised crime, and if so, the Special Prosecutor will send a written request to the Republic Public Prosecutor for the case to be assigned or transferred to his office. There are specific provisions contained in the Law on the Organization and Jurisdiction of Government Authorities in Suppression of Organised Crime

and in separate provisions of the Criminal Procedure Code, entrusting the Special Prosecutor's Office with specific procedural powers in organised crime cases, thus enhancing its functional autonomy and highlighting its leading role in evidentiary and investigative proceedings, and introducing new instruments and special investigative techniques aimed at suppressing organised crime: cooperating witnesses, surveillance of the suspect's business activities, rendering simulated business services and conclusion of simulated legal affairs, engagement of undercover agents, controlled delivery and seizure of illicit proceeds. The public prosecutor may also file a written and reasoned motion to the investigative judge to order the use of special investigative techniques, such as the surveillance and recording of telephone and other conversations or communication by other technological devices and video recording, with a view to detecting organised crime and obtaining evidence thereof.

Broader competences of the Special Prosecutor in criminal prosecution of organised crime cases are closely similar to the new model of investigation by prosecutor, which is provided for in the Criminal Procedure Code of 2006, since all activities of the police and the court during the evidentiary and investigative proceedings and even some activities at the main hearing may be undertaken only upon the public prosecutor's request, proposal or approval. Main shortcomings of the current criminal legislation provisions related to organised crime are their vagueness, incompatible terminology and mutual contradictions, especially those pertaining to the definition of terms "organised crime", "criminal organization", "organised criminal groups" and "other organised groups". Such deficiencies need to be eliminated through adoption of a new law, i.e. through amendments to the Criminal Procedure Code.

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FRONTEX AND TRANSBORDER GOVERNANCE IN THE EU

Klaus Bachmann

Frontex is a so called “first pillar” agency of the European Union, created by a regulation of the Council of the EU and the European Parliament in order to coordinate and improve the external border protection of the European Union. It has neither functions nor competences which would undermine or interfere with the national sovereignty of the member states, replace or limit the activities and competences of member states’ law enforcement and immigration controlling authorities. However, already during the foundation of Frontex, many observers saw it as a potential catalyst for a functional overspill aiming at the creation of a supranational border protection regime in the EU.

The paper discusses basically two issues:

1. If Frontex’ tasks and competences increase in a way, which has characteristics of a functional overspill and may lead to a supranational border protection regime, with a European border corpus at the end of the day, or if Frontex.
2. The impact, improved coordination of external border protection within the EU has had (since the creation of Frontex) on the border protection schemes of non-member (and non-Schengen EU member) states and countries neighboring with the EU and the Schengen area with respect to illegal immigration, organised crime and human trafficking.

The paper draws on a neofunctional approach in European Integration Theory. It uses official statistics from selected countries and international organizations like the UN (Unicri), Europol and from Eurostat and — in order to grasp phenomena not covered by official statistics like clandestine immigration — reports and data from nongovernmental organizations. The paper examines time ranks in order to define trends and tendencies in organised crime and confronts them with the enlargement of the Schengen area and the activities of Frontex.

It asks, if changing border regimes influence (and if yes, how) illegal immigration flows and human trafficking and the border regime of neighboring states and if, possibly, such changes can be used as an argument for a completely supranational border protection regime in the EU.

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ORGANISED CRIME — THE STATUS AND ROLE OF THE PROSECUTOR IN INVESTIGATING ORGANISED CRIME IN BOSNA AND HERZEGOVINA

Miodrag N. Simović

Suppression of organised crime should be one of the major challenges of all modern democratic countries. In this context, the position and role of the prosecutor is especially important during criminal investigations, including his relationship with the police, customs and taxation authorities and other relevant agencies. The reason for this lies in the fact that the outcome of a trial mostly depends on the quality of investigation as the initial stage of criminal proceedings. In Bosnia and Herzegovina, the prosecutor is entitled to create multi-disciplinary investigative teams, made up of representatives of different law enforcement agencies and institutions (police, Intelligence and Security Agency, State Investigations and Protection Agency, Border Police, various inspectorates, Tax Administration, etc.), to assign duties and coordinate operations, all of which will give the prosecutor a proper insight into the investigation and its outcome. Throughout the investigation, the prosecutor is in a more favourable position than the suspect and his attorney, owing to the fact that the prosecutor is a *sui generis* government authority whom authorized officials and other government authorities must cooperate with and offer assistance to in the performance of his duties. Furthermore, the prosecutor is virtually allowed to conduct an undercover investigation and, upon its completion (before preferring the indictment), to interrogate the suspect who will only then be informed about his being subject of investigation. Hence, the position of the suspect is rather weakened at this stage of the criminal proceedings, but given their different roles in this process, full “equality of arms” between the prosecutor on one hand and the suspect and his attorney on the other could hinder the prosecutor from investigating and successfully resolving organised crime cases. The position of the prosecutor should also be perceived in the context of overall legal provisions that require the

prosecutor not only to investigate the case and find incriminating evidence, but also to find some mitigating circumstances in favour of the suspect.

In addition to the amended role of the prosecutor who has turned into some kind of an “investigation manager” after the new criminal procedure statutes came into force, competences of authorized officials participating in the investigation have also been modified, so the evidence that they obtain during the investigation are now treated as important evidence, provided that they were legally obtained. The role of the court during the investigation also underwent numerous changes and is now reduced to restrictions of human rights and civil freedoms. Active involvement of the court in the investigating procedure has become an exception rather than a rule, and the court is now involved only if evidence need to be secured in case there is a danger that might prevent its presentation in court or if the evidence might be presented in court with serious difficulty.

It may be concluded that, in the field of legislation, Bosnia and Herzegovina has adopted a criminal justice policy approach to organised crime that is mostly compliant with the requirements of modern crime prevention policies. However, *de lege ferenda* is a difficult and complex task, which will persist through the process of supplementation of relevant provisions of both substantive and criminal procedure laws. The last, but not the least, it will also be necessary to define regulations in other legislative areas and, in addition to repressive measures, to define legal possibilities to undertake preventive measures *ante delictum*.

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DEVELOPING THE SYSTEM OF ANTI-ORGANISED CRIME INSTITUTIONS IN SERBIA

Božidar Banović and Zoran Đokić

Problems of organised crime in Serbia went through several stages over the past two decades ever since the professional public, researchers and relevant experts, including government and social institutions, had first shown interest in this phenomenon. In the early 1990s, these problems were either totally denied or ignored by relevant authorities and the topic of organised crime first appeared bashfully in studies drawn up by local theorists, which focused mainly on organised crime beyond Serbian borders. The 1990s, when the transition process started in Serbia, were characterized by an expansion of organised crime which was then made manifest for the first time.

There are various factors that led to the criminalization of the Serbian society, especially such factors as the disintegration of the former Yugoslavia, armed conflicts within its former republics, escalation of terrorism in Kosovo and Metohija, economic sanctions and the NATO aggression that caused human casualties, destroyed military facilities and incurred serious damage to economic facilities in Serbia. That period was also characterized by political instability, inadequate and vague legislation and different forms of resistance to reform, all of which either slowed down or even halted the reform process.

It may be noted that many permanent and rather closely organised criminal groups emerged in that period, created solely for the purpose of committing various forms of lucrative criminal activities. The state simply kept ignoring and denying the problem, while first attempts to seriously analyze the problem of organised crime in Serbia appeared in the professional public. It is only after democratic changes took place that the awareness of threats of organised crime in the Serbian territory was raised, followed by the awareness of the need to put in place relevant norms and build new institutions or transform the existing ones in order to encapacitate them to combat organised crime.

This paper will present results which have been achieved so far in the fight against organised crime in Serbia and will give a critical overview of current progress, competences and relations among various institutions in charge of suppressing organised crime and will also come up with suggestions on how to build a consistent system of government and social institutions for the prevention and suppression of organised crime in Serbia and to incorporate that system in the international framework for fighting organised crime.

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SUPPRESSION OF ENVIRONMENTAL CRIME IN THE REPUBLIC OF MACEDONIA

Marina Mališ Sazdovska

Environmentally harmful crime has not yet been properly integrated in the community action against crime. Despite the fact that many criminal offences committed have left immeasurable consequences on people's health, the community still keeps pushing aside criminal justice techniques and methods designed to fight them. What is very important is that certain types of environmentally harmful crimes can sometimes be part of organised crime, in terms of their perpetrators, manner of organization, use of violent methods, etc.

Before the police reform took place in the Republic of Macedonia, previous job classification had provided for only a small number of police inspectors to deal with this type of crime. They were so understaffed and lacking technical equipment and relevant training to be able to fight perpetrators of such crimes. As for the phenomenology of environmentally harmful crime, its manifestations are manifold, such as destruction of forests, forest fires, poaching and prohibited fishing, illicit possession and use of radioactive substances, etc.

Relevant etiological factors include low level of public awareness, community being in dire financial straits, results of transition and other factors that led to the emergence of this phenomenon. The new reform needs to develop a new system of competent authorities with new powers to be vested in them in order to fight environmentally harmful crime in an effective and professional fashion.

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SPECIAL INVESTIGATIVE TECHNIQUES IN FIGHTING ORGANISED CRIME

Milan Škulić

In the present Code, the term “organised crime” pertains to cases where reasonable suspicion exists that a criminal offense for which four years of imprisonment or a more severe sentence is envisaged, is a result of actions performed by three or more persons associated in a criminal organization, i.e. criminal group, with the aim of committing grave criminal offenses in order to gain proceeds or power and when, in addition at least three of the following conditions have been met: 1) that each member of the criminal organization, i.e. criminal group, had previously determined, i.e., obviously determinable task or role; 2) that the activity of the criminal organization was planned for an extensive or indefinite period of time; 3) that the activities of the organization are based on implementing certain rules of inner control and discipline of members; 4) that the activities of the organization are planned and implemented internationally; 5) that the activities include applying violence or intimidation or that there is readiness to apply them; 6) that economic or business structures are used in the activities; 7) that money laundering or illicit proceeds are used; 8) that there exist influence of the organization, or part of the organization, on political structures, the media, legislative, executive or judicial authorities or other important social or economic factors. Organised crime is characterized by: the lack of ideology, hierarchy, limited or exclusive membership of a criminal organization, use of violence and bribery, specialized activities and distribution of activities, monopolistic character of an organised criminal group, running the organised criminal group according to a specific set of rules, etc. Given the above features, suppression of organised crime requires use of special investigative techniques and evidentiary action. Special investigative techniques may include: surveillance and audio and video recording of communication, rendering simulated business services and conclusion of simulated legal affairs, engagement of undercover agents, controlled delivery, automatic computerized search of personal and other

data and examination of cooperating witnesses. This paper will present the main characteristics of the most important special investigative techniques and will conclude that such techniques, which may only be applied under a court order, must be used selectively and with great caution.

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THE ROLE OF PRIVATE SECURITY IN ANTI-ORGANISED CRIME POLICY

Željko Dobranović

This paper will explore security-related goals and tasks in the public and private sectors and a relationship between private and public security organizations, as well as their synergy that may contribute to enhancing national security. The paper will separately analyze the operation of government agencies in charge of protection against and prosecution of organised crime, as well as their relationship with private security organizations. The paper will offer an overview of the legal framework for the operation of private security organizations and describe their size and possible activities in the Republic of Croatia. It will analyze capabilities and practices of private security organizations for crime prevention, with special emphasis being placed on potential security threats posed by organised crime. It will also explore reasons for public interest in the operation and definition of legal framework for the private security sector and limitations to that effect, arising from the fact that private security organizations belong to the sector of services, where the relationship with their clients is determined according to free market principles, in compliance with certain preconditions which are laid down in the law.

Željko Dobranović, PhD, Brig. General (ret.), is leader of the studies of crisis management at the University of Velika Gorica in Croatia, and Chairman of the Croatian guild of security professionals. He is a Navy Officer by education, having graduated at the Academy of the Navy in Pula, in 1971, as well as on the Electronics Faculty in Zagreb in 1973, after which he went on and completed his master's and doctoral studies at the Faculty of Transport, focusing on technological systems in transport. From 1992 until his retirement in 2001 he was Assistant to the Lead Military Advisor to the President of Croatia, leader of the Office for International Military Cooperation, and Head of Office of the President of Croatia. From 2002 to 2004 he was Director of the Institute of Defendology— DEFIMI.

**THE IMPACT
OF HUMAN RESOURCES,
ORGANISATIONAL AND LEGISLATIVE FACTORS
ON THE ANTI-ORGANISED CRIME POLICY
IN BOSNIA AND HERZEGOVINA**

Mladen Milosavljević

The way in which the state of Bosnia and Herzegovina is organised imminently reflects on the organization of its law enforcement agencies. To that effect, there are two different and totally incompatible organizational systems of the interior ministries in the respective entities of Bosnia and Herzegovina. In the Republic of Srpska, the Ministry of the Interior has a vertical subordination system and a single budget, whereas in the Federation of Bosnia and Herzegovina, in addition to the (Federal) Ministry of the Interior, there are another ten cantonal Ministries of the Interior, which are fully autonomous organizational units, having their own respective laws on interior affairs and their own budgets. There is no vertical subordination between entity and cantonal Ministries of the Interior. Furthermore, there is an independent police department of the Brčko District. Two state agencies (Border Police and State Investigations and Protection Agency) have separate, although limited jurisdictions, while the umbrella organization, the Ministry of Security of Bosnia and Herzegovina, serves as a kind of intermediary without vertical subordination. The above concept allows for non-cooperation rather than for cooperation in the fields of data exchange, planning of operations, autonomous action with no control, overlapping jurisdictions, unsound competition, arbitrary decisions to refrain from action if such an option is deemed more favourable, arbitrary selection of cases, while the lack of common budget causes major staff dissatisfaction caused by big differences in salaries, as some of the staff are paid several times more than others. In some parts of Bosnia and Herzegovina, police officers were put in the same salary category as staff members with lowest qualifications (like cleaning ladies, for example). All of this has pushed some police officers into

accepting bribe instead of pushing them towards successful fighting against organised crime.

The design of the police ranking system in Bosnia and Herzegovina has triggered total dissatisfaction of members of the police service and the current method of filling in job vacancies exacerbated the situation even further. As far as the employment policy is concerned, professional skills seem to be among the least important recruitment criteria (unlike criteria of being, for example, sympathizers of certain political parties, members of favoured families, candidates nominated by prominent “businessmen” having close ties with powerful politicians, various combinations of interest, national affiliation, etc.), which, in numerous cases, resulted in assignment of poorly qualified staff to crucial offices, thus diminishing success of fight against organised crime. Independent committees in charge of selection of top ranking police officials, which are supposed to be depoliticized and independent bodies, have turned into something totally opposite, leaving their door wide open to political influence on some law enforcement agencies and their operations. The fact that some authorized officials, who had enjoyed the status of authorized personnel for many years of their careers, have now lost their status, despite the fact that their international colleagues enjoy similar status in almost any country (because these are professionals who have been working on investigations on a daily basis), further aggravated this difficult situation and created a possibility for any investigation or trial outcome to be overturned due to the involvement of such unauthorized personnel!

The current legislation (The Law on Criminal Procedure of Bosnia and Herzegovina) has introduced many good solutions, but also some problematic ones. For example, this law allowed simulated purchases of drugs, without having resolved the issue of establishing a proper fund to be used to finance simulated purchases. Furthermore, according to the law, undercover agents are no longer allowed to simulate actions that would prompt criminals to commit a criminal offence (e.g. How can an undercover agent buy drugs without asking the drug dealer to sell him drugs?). On the other hand, the law was clear in terms of (im)possibility of committing a criminal offence through such simulated activities. But what happens if the life of an undercover agent depends on the need to commit a criminal offence?! Will the law be there to save him then?! Certainly not. If insufficient knowledge of prosecutors and lack of adequate cooperation between the prosecutor’s office and the police is added to the score, it becomes evident that Bosnia and Herzegovina will not be able to succeed in fighting organised crime for a very long time, because the above factors have been making this fight much more difficult.

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ORGANISED CRIME AS THE FIFTH BRANCH OF POWER

Bojan Dobovšek and Andrej Jurij Pirnat

The aim of this article is to highlight the problems of investigating transnational organised crime which is developing in emerging democracies. For the purpose, the author analyses the development of organised crime and the challenges of criminal investigation trends in Slovenia, Croatia, Bosnia and Herzegovina, Serbia, Albania and Hungary. A review of literature and other sources was used to identify the main problems and find some answers. We found out that criminal organisations have moved in the past period to economy and to strengthening economic power and are able to recognize that pressure is moving on state politic through their networks. In some cases (tycoons in transit countries) it seems that they already have moved into third phase – movements into politics. In this kind of meaning, we could talk about elite organised crime which is appearing like the fifth branch of state authority, because it is influencing with great amount of money, corruption, networking and extortion, on state economy and policy. Significant changes in business, civic and political practices that inevitably occurred have impacts on investigating new forms of crime. The author identifies problems that reduced the effects of anti-crime reforms. In conclusion, the author examines certain measures, exposes particular failures and suggests some answers to issues in connection with fighting transnational organised crime in emerging democracies.

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ANDREJ JURIJ PIRNAT, MA, is a researcher at the Faculty of criminal justice and security, University of Maribor. His research area includes organised crime and computer crime. He has been recently researching on human trafficking in South-eastern Europe. He is preparing his doctor degree thesis on problems of investigating cyber crime.

THE TIME HAS COME TO ABOLISH THE NEW SLAVERY

Pino Arlacchi

Modern slavery must be eliminated, not just “fought”, “reduced”, and “controlled”. We should learn the lesson of the first anti-slavery movement. Within this movement, two strategies were competing: a) the strategy of gradual elimination, which was in fact a strategy of coexistence with slavery; b) the strategy of abolition, based on a legal and moral discontinuity with the practice, regardless of its negative consequences on the economy.

The latter strategy won with the abolition of slavery in Brasil in 1888. My invitation to all entities concerned with the issue is to take more seriously the issue of abolition. Modern slavery must be treated like the other main global issue. Member states should elaborate national plans for abolition. Plans with timetables, resource mobilization figures and precise targets. It is a doable goal, absolutely commensurate with the available resources of the international community.

PINO ARLACCHI is a leading authority and a scholar of international renown in the field of organised crime, money laundering and drug trafficking. He is full professor of Sociology at the School of Political Science of the University of Sassari, and Director of International Affairs at the University of Mediterranean (LUM) in Bari. From 1997 to 2002 he was Undersecretary General of the UN, charged with the task of fighting major evils like drugs, terrorism and organised crime. In Italy, as Senior Adviser to the Ministry of the Interior, he was responsible for the executive project that led to the creation of the DIA, a police agency wholly dedicated to the investigation of major crime. He was elected in 1994 to the Italian Chamber of Deputies and to the Italian Senate in 1996. He has served as Vice President of the Italian Parliamentary Commission on the Mafia Phenomenon. He wrote many books translated in several languages.

**ORGANISED CRIME
IN REPUBLIKA SRPSKA
AND IN BOSNIA AND HERZEGOVINA —
CURRENT STATE AND MEASURES**

Uroš Pena and Mile Šikman

Organised crime in the Republic of Srpska and Bosnia and Herzegovina is a security challenge, risk and threat to the Republic of Srpska and also to Bosnia and Herzegovina. Organised crime is a negative and harmful phenomenon in any society, including ours. It is characterized by adaptability to socio-economic and social and political conditions, especially those in countries in transition, just like ours. For this very reason, the paper will focus on organised crime both in the Republic of Srpska and in Bosnia and Herzegovina, because it is impossible to focus on organised crime in the Republic of Srpska alone. Hence, the paper will give an overview of organised crime in the Republic of Srpska and Bosnia and Herzegovina and will emphasize its characteristics, circumstances, forms of manifestation (etiological and phenomenological aspects of organised crime). The paper will also show some institutional aspects of combating organised crime in Bosnia and Herzegovina, and especially in the Republic of Srpska, and highlight those organizational units working directly on the suppression of organised crime. The paper will list numerous examples of practical activities conducted by the Republic of Srpska Ministry of the Interior aimed at detection and investigation of specific criminal offences with features of organised crime. The paper will explore certain operations by the Republic of Srpska Ministry of the Interior, which were conducted either independently or in coordination with other national or international law enforcement agencies. These include examples of best practices in combating organised crime. Some of these operations were marked as excellent not only by eminent national authorities, but also by international authorities, such as EUROPOL. In conclusion, the paper will stress the need to develop strategic analysis and criminal intelligence work for the purpose of suppressing organised crime and stepping up international cooperation in that area.

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**TRANSFORMATION
OF ORGANISED CRIME IN CONFLICT AREAS:
CRIMINAL GANGS
-GUERRILLA FORMATIONS
-POLITICAL ELITES**

Serhii Hevorkov

The history of nation building is a history of transformation. None of the known forms of societal design are homogenous. Each is represented by a whole variety of social layers, casts, classes and individuals with their microcosm of interests and motivational factors. Criminal elements and particularly Organised Criminal Groups have become an intrinsic part of such transformation. Very often their formation and growth is concomitant with the establishment of the state and its executive institutions. The experience of the past few decades clearly demonstrates that many states while experiencing a period of military conflicts, civil or ethnic wars are particularly influenced by the transformation of disorganised criminal formations into organised “freedom-fighting” guerilla groups and later by their merging with or offering services to various political movements. More often than not, such organizations attempted and eventually acquired positions of authority within such states. The paper argues that if identified early and handled properly, ascent of the organised criminal groups into political elites can be effectively prevented. However, implementing preventive measures is a matter of timely identification and clear understanding of ambitions and aspirations among Organised Crime leaders. The suggested strategy is based on observation, measurement and analysis of simplified activity indicators of various criminal actors in a given territory, their interactions and developments. In theory, early identification of interests and intentions of the Organised Crime may help in foiling criminal/radical elements from gaining public support and acquiring political power.

SERHII HEVORKOV is Lieutenant Colonel (retired) of Ukrainian Law Enforcement with expertise in intelligence analysis, strategic planning and police operations within international environment. He is currently working with the US Department of State — International Narcotics and Law Enforcement program in Afghanistan dealing with threat analysis and tactical information processing. During his career he held positions of Strategic Advisor in the OSCE mission to Serbia and Montenegro and Head of Kiev Region Bureau of Interpol in Ukraine. Over several years of work in various Balkan countries on secondment by the Ukrainian Government, he took part in numerous international projects ranging from war crimes investigations and POW exchange to strategic analysis, peace negotiations, and development and implementation of the Multi-Ethnic Police concept in South Serbia, etc. He holds M.Sc. from Kharkov State Technical University and graduated from several specialized courses at Ukrainian University of Internal Affairs. He is fluent in English, Serbo-Croatian, Russian and Ukrainian languages and authored several assessments, analytical researches and briefing papers in the field of police and security.

TRAFFICKING IN HUMAN BEINGS AS A FORM OF ORGANISED CRIME IN SERBIA

Milan Žarković

In spite of the progress made by this civilization and growing awareness of the need to enhance and protect individual human rights and freedoms, still there exists a ruthless practice of drastic violations and trampling upon basic human values and even upon human lives due to trafficking in human beings. The existing modes of recruitment, control and exploitation of victims of trafficking in human beings are modified and adapted to new circumstances, by finding and applying new and even more perfidious, inhumane and brutal ways, leaving even more disastrous consequences on the victims, as well as on the community at large.

A cause for concern, more serious consideration of suppressive measures and stronger action in this field is prompted by the fact that trafficking in human beings is one of the fastest growing criminal activities. In an effort to acquire maximum criminal gain at minimum risk, organised criminal groups that are involved in trafficking in human beings tend to design and apply such forms of activities which in turn could heighten all kinds of risks which rampant organised crime activities may entail and thus reduce efficiency of formal bodies in charge of social control.

Trafficking in human beings is a global phenomenon, affecting all regions or almost all countries of the modern world, doing so in various ways and at various intensities. The Republic of Serbia and its citizens, having been burdened by various destabilizing factors and also by social, economic and political challenges, are faced with a growing number of criminal organizations and their activities in numerous spheres of life, even in those spheres that may be associated with various forms of exploitation of victims of trafficking in human beings. In addition to a clear-cut, strong and coordinated response by the international community, greater efficiency of national bodies in charge of social control will

imply greater awareness of trafficking in human beings, its presence, magnitude and harmful effects, and will also imply better understanding of the nature of this crime, complexity of its causes, and the need to build such a legal framework that will put in place effective mechanisms of prevention and suppression of trafficking in human beings, which would be based on accurate and updated information, experiences and analyses of various manifestations of this crime in the territory of the Republic of Serbia and its neighbourhood.

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THE CRIMINAL INTELLIGENCE NETWORK IN BOSNIA AND HERZEGOVINA

Neđo Danilović

Efficient fight against organised crime requires an elaborate criminal intelligence network within the police force and other elements in the security sector which are involved in suppression of organised crime. Among countries of the Western Balkan region, Bosnia and Herzegovina has the most elaborate criminal intelligence network (BIH KROM INTELLIGENCE NETWORK). Its experiences in terms of network organization and operation may be of relevance for other countries in the region. This paper will present the structure and method of operation of the criminal intelligence network in Bosnia and Herzegovina.

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