



***Permanent Mission of the Republic of Serbia
to the OSCE and other International Organizations in Vienna***

No. 480-3/2016

Note Verbale

The Permanent Mission of the Republic of Serbia to the OSCE presents its compliments to all Permanent Missions/Delegations to the OSCE and to the Conflict Prevention Centre and, in accordance with Decision 2/09 of the Forum for Security Co-operation, has the honor to submit the response to the Questionnaire on the Code of Conduct on Politico-Military Aspects of Security.

The Permanent Mission of the Republic of Serbia to the OSCE avails itself of this opportunity to renew to all Permanent Missions/Delegations to the OSCE and to the Conflict Prevention Centre the assurances of its highest consideration.

Vienna, 11 April 2016



All Missions/Delegations to the OSCE
The Conflict Prevention Centre

REPUBLIC OF SERBIA

ENGLISH only



**Annual Exchange of Information on the OSCE Code of Conduct on
Politico-Military Aspects of Security**

April 2016

Exchange of Information on the OSCE Code of Conduct on Politico - Military Aspects of Security

1. Account of measures to prevent and combat terrorism

1.1 To which agreements and arrangements (universal, regional, sub-regional and bilateral) related to preventing and combating terrorism is your State a party?

A) Agreements/arrangement related to combating terrorism which the Republic of Serbia is a Party to are listed below:

- Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, Official Gazette of the SFRY – International Treaties, No. 9/85;
- International Convention against the Taking of Hostages, Official Gazette of the SFRY – International Treaties, No. 9/85;
- International Convention for the Suppression of the Financing of Terrorism, Official Gazette of the FRY – International Treaties, No. 7/2002;
- International Convention for the Suppression of Terrorist Bombings, Official Gazette of the FRY – International Treaties, No. 12/2002;
- International Convention for the Suppression of Acts of Nuclear Terrorism, Official Gazette of Serbia and Montenegro – International Treaties, No. 2/2006;
- Protocol Against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition, supplementing the United Nations Convention Against Transnational Organized Crime, Official Gazette of Serbia and Montenegro – International Treaties, No. 11/2005;
- Convention on Offences and Certain Other Acts Committed on Board Aircraft, Official Gazette of the SFRY – International Treaties, No. 47/1970;
- Convention for the Suppression of Unlawful Seizure of Aircraft, Official Gazette of the SFRY - International Treaties, No. 3/72;
- Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, Official Gazette of the SFRY – International Treaties, No. 9/85;
- Convention on the Physical Protection of Nuclear Material, Official Gazette of the SFRY – International Treaties, No. 9/85;
- Protocol on the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, Official Gazette of the SFRY – International Treaties, No. 14/89;
- Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, Official Gazette of Serbia and Montenegro – International Treaties, No. 2/2004;
- Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, Official Gazette of Serbia and Montenegro – International Treaties, No. 6/2004;
- European Convention on the Suppression of Terrorism, Official Gazette of the FRY - International Treaties, No. 10/2001;
- Council of Europe Convention on laundering, search, seizure and confiscation of the proceeds from crime and on the financing of terrorism, Official Gazette of the Republic of Serbia – International Treaties, No. 19/2009;

- Protocol on the European Convention on the Suppression of Terrorism, Official Gazette of the Republic of Serbia –International Treaties, No. 19/2009;
- Council of Europe Convention on the Prevention of Terrorism, Official Gazette of the Republic of Serbia –International Treaties, No. 19/2009;
- European Convention on Extradition, Official Gazette of the FRY – International Treaties, Nos. 10/2001, 12/10;
- Additional Protocol to the European Convention on Extradition - Official Gazette of the FRY, International Treaties, No. 10/2001;
- Second Additional Protocol to the European Convention on Extradition, Official Gazette of the FRY – International Treaties, No. 10/2001;
- Third Additional Protocol to the European Convention on Extradition, Official Gazette of the Republic of Serbia – International Treaties, No. 1/2011;
- Fourth Additional Protocol to the European Convention on Extradition, Official Gazette of the Republic of Serbia – International Treaties, No. 13/2013;
- In December 2010, the National Assembly of Republic of Serbia adopted the Law on Amendments to the Law on Ratification of the European Convention on Extradition, by which the Republic of Serbia has withdrawn the reservation made in respect of Articles 6 (1) (a) and 21 (2) regarding the extradition and transit of its citizens;
- International Convention for the Protection of All Persons from Enforced Disappearance, Official Gazette of the Republic of Serbia – International Treaties, No. 1/2011;
- Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment;
- European Convention on Mutual Legal Assistance in Criminal Matters, Official Gazette of the FRY, International Treaties, No. 10/2001;
- Additional Protocol to the European Convention on Mutual Legal Assistance in Criminal Matters, Official Gazette of the FRY, International Treaties, No. 10/2001;
- Second Additional Protocol to the European Convention on Mutual Legal Assistance in Criminal Matters, Official Gazette of Serbia and Montenegro - International Treaties, No. 2/2006;
- European Convention on Transfer of Proceedings in Criminal Matters, Official Gazette of the FRY, International Treaties, No. 10/2001;
- Convention on Cybercrime, Official Gazette of the Republic of Serbia, International Treaties, No. 19/2009;
- United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (hereinafter: the Vienna Convention), adopted in 1988, Official Gazette of the SFRY – International Treaties, No. 14/90;
- Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime (hereinafter: the Strasbourg Convention), adopted in 1990, Official Gazette of the FRY- International Treaties, No. 7/02, and Official Gazette of Serbia and Montenegro – International Treaties, No.18/05;
- United Nations Convention against Transnational Organized Crime with its Additional Protocols (hereinafter: the Palermo Convention), adopted in 2000, Official Gazette of the FRY - International Treaties, No. 6/01;
- 1999 Council of Europe Criminal Law Convention on Corruption, FRY Official Gazette - International Treaties, No. 2/02, and Official Gazette of Serbia and Montenegro – International Treaties, No.18/05;
- United Nations Convention against Corruption, adopted in 2003, Official Gazette of Serbia and Montenegro – International Treaties, No. 12/05;

Agreements/arrangements related to sub-regional or bilateral cooperation:

- Agreement among the Governments of the BSEC Participating States on Cooperation in Combating Crime, in Particular in Its Organized Forms with the 2008 Additional Protocol on Combating Terrorism;
- Protocol on Enhanced Trilateral Cooperation in Combating Crime and Especially Trans-Border Crime (Serbia, Romania and Bulgaria).
- On October 18, 2011 the National Assembly of the Republic of Serbia adopted the Law on Ratification of the Agreement between the Governments of the BSEC (Organization of the Black Sea Economic Cooperation) member states on cooperation in the fight against crime, particularly in its organized forms;
- Additional Protocol to the Agreement between the Governments of the BSEC on cooperation in the fight against crime, particularly in its organized forms, Official Gazette of the Republic of the Serbia – International Treaties, No. 8/2011;
- Convention of the Southeast European Law Enforcement Centre, Official Gazette of the Republic of Serbia – International Treaties, No. 8/2011.

The Republic of Serbia has concluded bilateral agreements/arrangements concerning cooperation in criminal matters in the respective area with the following states: Bosnia and Herzegovina, Montenegro, Bulgaria, Croatia, Austria, Romania, Slovakia, Russia, Greece, Italy, Cyprus, Hungary, Belgium, Switzerland, France, Albania, Turkey and Israel.

Protocols on cooperation which the Ministry of Justice of the Republic of Serbia signed with Justice Departments of other countries, such as the member states of the European Union, neighbouring countries and other countries from the region in the period from 2004 to 2012 are the following:

1. Agreement on cooperation between the Ministry of Justice of the Republic of Serbia and the Ministry of Justice of the Republic of Belarus (05.11.2007)
2. Agreement on cooperation between the Ministry of Justice of the Republic of Serbia and the Ministry of Justice of the Russian Federation (12.02.2008)
3. Agreement on Cooperation between the Government of the Republic of Serbia and the Republic of Turkey in the fight against serious crime, especially terrorism and organized crime, Official Gazette of the Republic of the Serbia – International Treaties, No. 11/2011;
4. Agreement on cooperation in the fight against organized crime, international drug trafficking and international terrorism between the Government of the Republic of Serbia and the Council of Ministers of the Republic of Albania, Official Gazette of the Republic of the Serbia – International Treaties, No. 11/2011;
5. Protocol on cooperation between the Ministry of Justice of the Republic of Serbia and the Ministry of Justice of the Federation of Bosnia and Herzegovina (28.04.2006)
6. Protocol on cooperation between the Ministry of Justice of the Republic of Serbia and the Ministry of Justice of the Republic of Romania (30.01.2007)
7. Memorandum on cooperation between the Ministry of Justice of the Republic of Serbia and the Austrian Federal Ministry of Justice (27.03.2006)
8. Protocol on cooperation between the Ministry of Justice of the Republic of Serbia and the Ministry of Justice of the Hellenic Republic (09.02.2006)
9. Protocol on cooperation between the Ministry of Justice of the Republic of Serbia and the Ministry of Justice of the Republic of Albania (08.02.2006)
10. Protocol on cooperation between the Ministry of Justice of the Republic of Serbia and the Ministry of Justice of the Republic of Croatia (05.12.2005)

11. Protocol on cooperation between the Ministry of Justice of the Republic of Serbia and the Ministry of Justice of the Republic of Bulgaria (18.11.2005)
12. Protocol on cooperation between the Ministry of Justice of the Republic of Serbia and the Ministry of Justice of the Former Yugoslav Republic of Macedonia (29.09.2004)
13. Protocol on cooperation between Ministry of Justice of the Republic of Serbia and the Ministry of Justice of the Republic of Montenegro (concluded in June 2004, period of existence of the State Union of Serbia and Montenegro)
14. Protocol on cooperation between the Ministry of Justice of the Republic of Serbia and the Ministry of Justice of the French Republic (27.10.2008)
15. Protocol on cooperation between the Ministry of Justice of the Republic of Serbia and the Ministry of Justice of the Republic of Slovenia (28.09.2004)
16. Memorandum on cooperation between the Ministry of Justice of the Republic of Serbia and the Ministry of Justice of the Republic of Hungary (28.09.2009)
17. Memorandum on cooperation between the Ministry of Justice of the Republic of Serbia and the Ministry of Justice of the Republic of Montenegro (28.05.2009)
18. Memorandum on cooperation between the Ministry of Justice of the Republic of Serbia and the Ministry of Justice of the Slovak Republic (05.05.2009)
19. Protocol on cooperation between the Ministry of Justice of the Republic of Serbia and the Ministry of Justice of the Republic of Srpska (07.04.2009)
20. Memorandum of Understanding between the Ministry of Justice of the Republic of Serbia and the Ministry of Justice of the Portuguese Republic (24.05.2010)
21. Memorandum on strengthening regional and transnational cooperation as a precondition for successful fight against organised crime in South Eastern Europe, concluded between the Ministry of Justice, Ministry of Interior and State Prosecutors of the Republic of Serbia, Albania, Macedonia, Bosnia and Herzegovina, Montenegro, Romania, Bulgaria, Croatia and Slovenia (5.10.2010)
22. Memorandum of Understanding between the Ministry of Justice of the Republic of Serbia and the Ministry of Justice of Spain (16.09.2010).

Agreements incorporate harmonization of the relevant legislation, education and trainings for employees in the Ministry of Justice, reform of the system for enforcement of penal sanctions, as well as cooperation in combating organized crime, terrorism, human trafficking, money laundering, corruption and other criminal offences.

1.2. What national legislation has been adopted in your State to implement the above mentioned agreements and arrangements?

By ratifying the above-mentioned international agreements/arrangements, all laws/legislation have become an integral part of the internal legal order of the Republic of Serbia.

The Constitution of the Republic of Serbia (Official Gazette of the Republic of Serbia, No. 98/2006) in its Article 16, paragraphs 2 and 3, stipulates that generally accepted rules of international law and ratified international treaties shall be an integral part of the legal system in the Republic of Serbia and applied directly. Ratified international treaties must be in accordance with the Constitution.

In December 2012, the Law on amendments and changes to the Criminal Code was adopted in order to conform it to international and regional conventions. Provisions of the Law related to financing of terrorism and money laundering was changed and sentences pronounced for these criminal offences were increased in order to be in line with international standards. Specifically, the issue of combating terrorism is dealt with

in the following chapters and articles of the Criminal Code (Official Gazette of the Republic of Serbia, Nos. 85/2005, 88/2005, 107/2005, 72/2009, 111/2009, 121/2012): Criminal offences against general safety of people and property (Chapter XXV); Unlawful Acquiring and Endangerment of Safety with Nuclear Material (Article 287); Criminal road traffic safety offences (Chapter XXVI); Endangering Air Traffic Safety by Acts of Violence (Article 292); Hijacking an Aircraft, Ship or Other Means of Transport (Article 293); Offences against public peace and order (Chapter XXXI); Illegal Production, Possession, Carrying and Sale of Firearms and Explosives (Article 348); Criminal offences against humanity and other rights guaranteed under international law - (Chapter XXXIV); Unlawful Production, Sale and Possession of Prohibited Weapons (Article 377); Terrorism (Article 391); Public Instigation of Terrorist Acts (Article 391a); Recruitment and training for terrorist acts (Article 391b); Use of a deadly device (Article 391c); Destruction and damaging of a nuclear facility (Article 391d); Endangering of a person under international protection (Article 392); Financing Terrorism (Article 393); Terrorist conspiracy (Article 393a).

The Law on Organisation and Jurisdiction of Government Authorities in the Suppression against Organised Crime, Corruption and Other Severe Criminal Offences (Official Gazette of the Republic of Serbia, Nos. 42/2002, 27/2003, 39/2003, 67/2003, 29/2004, 58/2004 - other law, 45/2005, 61/2005, 72/2009, 72/2011-other law and 101/2011 – other law, 32/2013) prescribes establishment, organisation, jurisdiction and specialised organisational units of government authorities for the detection, criminal prosecution and processing of criminal offences. The Law applies to the detection, criminal prosecution and processing of criminal offences listed in Article 2 of this Law, which was extended apart from the offences of organised crime, inter alia, to criminal offences related to terrorism in 2009 and amended in 2013 in order to be in conformity with the Law on amendments to the Criminal Code (Official Gazette of the Republic of Serbia, number 121/2012): Criminal offences of organised crime; Criminal offences of assassination of the highest-ranking State officials (Article 310 of the Criminal Code); Insurrection (Article 311 of the Criminal Code); Criminal offences of the abuse of official capacity (Articles 359, 366, 367 and 368 of the Criminal Code), when an accused, that is, a person receiving the bribe, is an official or a responsible person holding public office, on the grounds of the election, designation or appointment by the National Assembly, the Government, the High Judicial Council, or the State Prosecutorial Council; Criminal offence of abuse of position by a responsible person (Article 234 of the Criminal Code); Misfeasance in public procurement (Article 234a, paragraph 3, of the Criminal Code); Abuse of office (Article 359, paragraph 3, of the Criminal Code) when the value of the acquired property gain exceeds the amount of 200,000,000 dinars; Terrorism (Article 391); Public instigation of terrorist acts (Article 391a); Recruitment and training to commit terrorist acts (Article 391b); Use of a deadly device (Article 391c); Destruction and damaging of a nuclear facility (Article 391d); Endangering of a person under international protection (Article 392); Financing terrorism (Article 393); Terrorist conspiracy (Article 393a); Criminal offence of money laundering (Article 231 of the Criminal Code), when the property which is the object of money laundering originates from the criminal offences referred to in sub-paragraphs 1), 3), 4) and 5) of this Article; Criminal offences against government authorities (Article 322, paragraphs 3 and 4, Article 323, paragraphs 3 and 4, of the Criminal Code) and Criminal offences against the judiciary (Articles 333 and 335, Article 336, paragraphs 1, 2 and 4, and Articles 336b, 337 and 339 of the Criminal Code), if they are committed in relation to criminal offences in sub-paragraphs 1 through 6 of this Article. Pursuant to the same Law, the Prosecutor's Office for Organised Crime, Special Department for Criminal Acts of Organised Crime of the High Court in Belgrade, Special Service for Suppression of Organised Crime within the Ministry of Interior and special prison unit

are competent in cases of criminal offences referred to above. Special rules of procedure relating to the above criminal offences are contained in the new Criminal Procedure Code (Official Gazette of the Republic of Serbia, Nos. 72/2011 and 101/2011, 45/2013).

The Law on the execution of the prison sentence for criminal offences of organized crime (Official Gazette of the Republic of Serbia, numbers 72/2009, 101/2010) specifies in its Article 1 that the provisions of the Law are also applicable to the execution of the prison sentence for the criminal offences covered by the Criminal Code related to terrorism. The Special Department for serving the prison sentence for organized crime at the closed type, high security penal and correctional institution has been established. The Special Department is created to carry out prison sentences imposed for criminal offences under Article 1.

The following relevant laws are also in effect:

1. Law on Foundations for the Regulation of Security Services of the Republic of Serbia (Official Gazette of the Republic of Serbia, Nos. 116/07 and 72/12),
2. Law on Military Security Agency and Military Intelligence Agency (Official Gazette of the Republic of Serbia, Nos. 88/09, 55-12-CC and 17/13),
3. Law on Security Information Agency (Official Gazette of the Republic of Serbia, Nos. 42/02, 111/09, 99/11 and 65/14 – Constitutional Court Decision and 66/14),
4. Law on Prevention of Money Laundering and Financing Terrorism (Official Gazette of the Republic of Serbia, Nos. 20/09, 72/09, 91/10 and 139/14),
5. Law on Organisation and Competence of State Authorities in Combating Cybercrime (Official Gazette of the Republic of Serbia, Nos. 61/05 and 104/09),
6. Law on Organisation and Jurisdiction of Government Authorities in Suppression of Organised Crime, Corruption and Other Severe Criminal Offences (Official Gazette of the Republic of Serbia, Nos. 42/02, 27/03, 39/03, 60/03, 67/03, 29/04, 58/04, 45/05, 61/05, 72/09, 72/11, 101/11 and 32/13),
7. Law on International Legal Assistance in Criminal Matters (Official Gazette of the Republic of Serbia No. 20/09),
8. Law on the Execution of the Prison Sentence for Criminal Offences of Organised Crime (Official Gazette of the Republic of Serbia, Nos. 72/09 and 101/10).
9. Law on Organisation and Competence of State Authorities in War Crimes Proceedings (Official Gazette of the Republic of Serbia, Nos. 67/03, 135/04, 61/05, 101/07, 104/09 and 101/11), and
10. Law on Assumption of Jurisdiction of Military Courts, Military Prosecution and Judge Advocate General (Official Gazette of the Republic of Serbia, No. 137/04).

National legislation pertaining to the anti-money laundering and counter-terrorism financing area (AML/CFT), adopted in March 2009, implements the above-specified international legal instruments, and also incorporates the FATF (Financial Action Task Force) and EU AML/CFT standards (Criminal Code, AML/CFT Law).

The Republic of Serbia also passed following strategies: the National Security Strategy of the Republic of Serbia (Official Gazette of the Republic of Serbia, No. 88/09), the Defence Strategy of the Republic of Serbia (Official Gazette of the Republic of Serbia, No. 88/09), the Strategy for Fight against Organized Crime (Official Gazette of the Republic of Serbia, No. 23/09), the Action Plan for the Implementation of the Strategy for Fight against Organized Crime (Official Gazette of the Republic of Serbia, No. 81/09), the National Strategy against Money Laundering and the Financing of Terrorism and its Action Plan (adopted on 31 December 2014, Official Gazette of the Republic of Serbia No 3/2015). The National Strategy against Money Laundering and the Financing of Terrorism was adopted based on the outcome, among other things, of the Money Laundering National Risk Assessment, conducted in 2012, and the Terrorism Financing National Risk Assessment, conducted in early 2014.

1.3 What are the roles and missions of military, paramilitary and security forces and the police in preventing and combating terrorism in your State?

Preventing and combating terrorism at the national level is governed by the law complying with all international resolutions, conventions and other legal acts under the competence of the Ministry of the Interior and the Security Information Agency.

The position of the Serbian Armed Forces is regulated in the Constitution and regulations based on the Constitution (Act on the Armed Forces, Act on Defence). According to the said regulations, the Serbian Armed Forces is an organised armed force which defends the Republic of Serbia against external armed threats and which carries out other missions and tasks in compliance with the Constitution, law and the principles of international law.

The President of the Republic or the Minister of Defence, upon the authorisation of the President, may decide that the Serbian Armed Forces provide assistance to a competent state body or organisation, autonomous province's body or local authorities, upon their request in order to protect lives and security of people and property, ensure environmental protection or for any other purpose stipulated by the Law, and especially in case of non-military challenges, risks and threats to security such as: terrorism, national and religious extremism, organised crime and corruption, natural disasters, industrial and other accidents and epidemics.

A significant role within the Ministry of Defence in combating terrorism is played by the Military Security Agency. Its position is regulated by the Act on the Foundations of the Security Services System in the Republic of Serbia and the Act on the Military Security Agency and the Military Intelligence Agency.

Pursuant to Article 33 of the Act on Defence ("Official Gazette of the Republic of Serbia", Nos. 116/07, 88/09, 88/09 – as amended, 104/09 and 10/15) any form of paramilitary organisations or associations for performing defence tasks is forbidden.

In December 2013, a Service for Combating Terrorism and Extremism (SBPTE) within the Criminal Police Directorate had been created. The need for establishing this Service has been an issue in the National program for adopting EU acquis (European Integration Office, June 2014) in Section 3.24.6. Combat against terrorism. SBPTE is responsible for collecting operational intelligence on individuals, groups and organizations that carry out terrorist and extremist activities; prevention and detection of criminal acts involving terrorism and extremism, and finding and arresting the perpetrators of these acts. The Service, apart from the Department for Combating Terrorism and Department for Combating Extremism, has four regional offices in Belgrade, Novi Sad, Niš and

Novi Pazar. Until SBPTE became operational, combating terrorism and extremism was under the authority of the Department in charge of investigations and surveillance of terrorism, Criminal Police Directorate, Ministry of Interior of the Republic of Serbia. In Serbia, on 09.01.2015, Permanent multi-sectoral working group for combating terrorism was established. The Group coordinates the work of the security services and governmental authorities of the Republic of Serbia to combat terrorism. At their joint meetings, WG members harmonize a common approach in combating terrorism and consider the security situation. They are representatives from the Security Services Coordination Bureau, Ministry of Interior, BIA, VOA, VBA, Ministry of Justice, Republic Prosecutor's Office and the Office of the Council for National Security and Protection of Classified Information.

1.4 Provide any additional relevant information on national efforts to prevent and combat terrorism, e.g., those pertaining *inter alia* to:

- Financing of terrorism;
- Border controls;
- Travel document security;
- Container and supply chain security;
- Security of radioactive sources;
- Use of the Internet and other information networks for terrorist purposes;
- Legal co-operation including extradition;
- Safe havens and shelter to terrorists and terrorist organizations.

Terrorism is one of the most serious risks and threats to global, regional and national security. In such circumstances, the Republic of Serbia can be a target for terrorist activities both directly and through use of its territory for the preparation and perpetration of terrorist activities in other countries.

Amendments to the Criminal Code (Official Gazette of the Republic of Serbia No. 108/2014) in Articles 386a and 386b criminalize participation in war or armed conflict in a foreign country or organizing participation in war or armed conflict in a foreign country as follows:

Article 386a

“Participation in war or armed conflict in a foreign country”

(1) A Serbian citizen who participates in a war or armed conflict in a foreign country, as a member of military or paramilitary groups that are party to the conflict, and is not a citizen of the foreign country or a member of the official mission of the international organization whose member is Serbia, shall be punished with imprisonment from six months to five years.

(2) If the offence referred to in paragraph 1 of this Article is committed by a group, the offender shall be punished by imprisonment of one to eight years.

Article 386b

“Organizing participation in war or armed conflict in a foreign country”

(1) Person who with the intent of committing a criminal offence under Article 386a of the Code on the territory of Serbia solicits or induces another person to commit that offence, or who organizes the group or trains another person or

group to carry out that criminal offence, equips or makes available equipment for commission of that criminal offence, or provides or raises funds to carry out that criminal offence, shall be punished with imprisonment from two years to ten years.

- (2) For the offence referred to in paragraph 1 of this Article, offender shall be punished by imprisonment prescribed for those offences, even when persons that the offender organizes are not citizens of Serbia.

As regards the efforts the Republic of Serbia is making in terms of prevention and combating terrorism, it is important to note that the Criminal Code of the Republic of Serbia, in its Chapter 43, which refers to crimes against humanity and other property protected by international law, criminalizes the following crimes related to terrorism:

- Article 391. Terrorism
- Article 392. Public Incitement to commit terrorist offences
- Article 393. Financing of terrorism
- Article 393 a) Terrorist Conspiracy

Article 393 of the Serbian Criminal Code criminalises financing of terrorism as follows:

- (1) Whoever directly or indirectly gives or collects funds with the intention to use them or knowing that they will be used, fully or partially, for commission of criminal acts referred to in Articles 391 to 392 herein or for financing of persons, a group or organized crime group who intend to commit these acts, shall be punished with imprisonment from one to ten years.

- (2) The funds specified in paragraph 1 of this Article shall be seized.

The Republic of Serbia has in place an anti-money laundering and counter-terrorism financing (AML/CFT) system, including a preventive component embodied in the Law on the Prevention of Money Laundering and Terrorism Financing. The AML system in Serbia was put in place in 2002 with the adoption of the Law on the Prevention of Money Laundering. Since then, two other laws have been adopted in 2005 and 2009, respectively. The 2009 AML/CFT Law, which entered into force on 27 March 2009, includes also explicit provisions on the prevention of the financing of terrorism. A range of financial institutions and Designated Non-Financial Businesses and Professions (DNFBP's)¹ are obliged to fulfil the reporting requirements laid down in the AML/CFT Law according to a new approach adopted in the 2009 AML/CFT, namely the risk-based approach. According to this new approach, the reporting entities are required to apply *normal*, *enhanced*, or *simplified* customer due diligence in accordance with the AML/CFT risk analysis and assessment of the specific transaction, client, or business relationship. The same reporting requirements apply both in case of suspicion of money laundering and terrorism financing. The reporting entities send to the Administration for the Prevention of Money Laundering (APML – Serbian FIU) cash-transaction reports (CTR's), the threshold being EUR 15,000, and all suspicious transactions (STR's) in

¹ Banks; Licensed bureaux de change; Investment fund management companies; Voluntary pension fund management companies; Financial leasing providers; Insurance companies, insurance brokerage companies, insurance agency companies and insurance agents with a license to perform life insurance business; Persons dealing with postal services; Broker-dealer companies; Organisers of special games of chance in casinos; Organisers of games of chance operated on the Internet, by telephone, or in any other manner using telecommunication networks; Auditing companies; Licensed auditors; as well as both entrepreneurs and legal persons exercising the following professional activities: Intermediation in real-estate transactions; Provision of accounting services; Tax advising; Intermediation in credit transactions and provision of loans; Factoring and forfeiting; Provision of guarantees; Provision of money transfer services, as well as lawyers and lawyer partnerships, e-money institutions and payment institutions.

case of suspicion of money laundering or terrorism financing, irrespective of the amount involved. All the reporting entities are supervised by the supervisors specified in the AML/CFT Law.²

The Financial Intelligence Unit (FIU) of Serbia was established in 2002 as a Federal Commission for the Prevention of Money Laundering. Meanwhile, it became part of the Serbian Ministry of Finance, as the Administration for the Prevention of Money Laundering (APML). The APML, as an administrative FIU, collects, analyses and keeps data and information and, where it suspects money laundering or terrorism financing, it notifies the competent State bodies (the police, judicial and supervisory authorities) so that they can take measures within their competence. The finances for the operation and functioning of the APML are provided for in the Republic of Serbia budget. To prevent illegal transportation of cash across the state border, the Rulebook Concerning the Declaration of Physical Cross-Border Transportation of Bearer Negotiable Instruments was adopted in September 2009, the threshold being EUR 10,000 or its equivalent in RSD or in a foreign currency. The Rulebook was developed on the basis of the EU Regulation (EC) No 1889/2005 of the European Parliament and of the Council of 26 October 2005 on controls of cash entering or leaving the Community. Pursuant to the Criminal Code, Article 91, no one may retain the material gain obtained by a criminal offence. The gain shall be seized under the conditions stipulated by this Code and by a decision of the court determining the commission of a criminal offence. The provisions on the confiscation of material gain are applied to all criminal acts, prescribed by the Criminal Code, from which a person has obtained the gain. Money, valuables and all other material gains obtained by a criminal offence will be seized from the offender, and if such seizure should not be possible, the offender will be obligated to hand over another material goods corresponding to the value of the assets gained by the commission of the criminal offence, or pay a pecuniary amount commensurate with the obtained material gain. Material gains obtained by a criminal offence will also be seized from persons to whom they were transferred without compensation, or with compensation that was obviously disproportionate to their actual value and where material gain is wrongfully obtained for another (Article 92 of Criminal Code).

The new Criminal Procedure Code (Official Gazette of the Republic of Serbia, Nos. 72/2011 and 101/201, 45/2013) introduces prosecutorial investigation as the most important novelty in the judicial system of Serbia, as it leads to radical changes in criminal proceedings. Investigation, according to the former regulation under the responsibility of the investigating judge, will be conducted by a public prosecutor who will now play a larger role in the process, and have more authority in prosecuting perpetrators of criminal acts and in gathering evidence. Namely, the prosecutorial investigation envisages that the public prosecutor bears the burden of proving the charges (adversarial procedure) instead of the previous solution according to which the court took evidence *ex officio*, and in this way, the public prosecutor takes the responsibility for the collection of evidence which allows more efficient handling of criminal cases. The right to collect evidence and other material evidence that can be taken voluntarily belongs also to the defence. Considering that only public authorities (public prosecutor and the court) are authorised to take evidence, the defence may request from them to undertake certain evidentiary proceedings.

The Code provides that the public prosecutor is authorised to conduct pre- investigation

² APML; National Bank of Serbia; Securities Commission; Tax Administration (Section for Foreign Currency and Exchange Operations and Games of Chance); Trade Inspectorate, Ministry competent for trade supervision;; Bar Association;

proceedings, or decide on to not undertake or defer criminal prosecution (principle of opportunity), conduct investigations, conclude plea agreements and agreements on giving testimony with the defendant or convicted person, thus simplifying and shortening criminal proceedings. It introduces new grounds for granting bail, defines the measure of home detention, provides also for the fine for taking actions that are obviously aimed at delaying the proceedings, then the special rules for summoning defendants and witnesses, introduces new, independent measures to ensure the presence of the defendant (prohibition of leaving a temporary residence or abode), and many other procedural novelties that are to facilitate more efficient proceedings.

The Code introduces novelties also in respect of taking special evidentiary actions which include covert interception of communications, covert surveillance and recording, simulated deals, computer data search, controlled delivery and undercover investigator.

The procedure for confiscation of proceeds from crime shall also apply the provisions of Articles 538-543 of the Criminal Procedure Code. According to these articles property obtained by criminal offence shall be determined in criminal proceedings *ex officio*. The authority is required to process the evidence collected during the procedure and verify the circumstances that are important for determining the gain. When the confiscation of proceeds of crime from other persons may be considered, the person to whom proceeds from crime were transferred free of charge or with compensation obviously not commensurate with the true value, or a representative of a legal person, shall be summoned for questioning in the preliminary proceedings and at the trial. This person shall be cautioned in the summons that the proceedings shall be conducted even in his/her absence. When proceeds from crime may be confiscated, the court shall order temporary measures of securing claims, acting *ex officio*, according to the provisions of the law which regulates the proceedings of enforcement and securing claims. In this case, the provisions of Article 257, paragraphs 2 to 4, of this Code shall apply *mutatis mutandis*.

The Law on seizure and confiscation of the proceeds of crime (Official Gazette of the Republic of Serbia, No. 32/13) prescribes the requirements, the procedure and the authorities responsible for tracing, seizing/confiscating and managing assets of natural persons or legal entities that are the proceeds from crime. Provisions of this Law are applied to criminal offences listed in Article 2 including the criminal offence of financing terrorism (Article 393 of the Criminal Code) if the material gain acquired from crime, that is, the value of objects acquired from crime exceeds the amount of one million five hundred thousand dinars.

The Criminal Procedure Code and the Law on Seizure and Confiscation of Proceeds from Crime allow for international cooperation in the confiscation of material gains and in the seizure and confiscation of the proceeds from crime.

The Law on the Protection Programme of participants in the Criminal Proceedings (Official Gazette of the Republic of Serbia No. 85/05) provides for the possibility of protection of defendant, witness collaborator, witness, injured party, expert witness and expert person as well as of close person for whom the participant in criminal proceedings demands to be included in the Protection Programme in case of the following criminal offences: 1) against the constitutional order and security (which includes terrorism); 2) against humanity and other values protected by international law (which include international terrorism, financing of terrorism, taking of hostages, etc.); 3) organized crime.

Implementation of border control is regulated by the Law on State Border Protection, which governs the protection of the state border, the organization and the way of protection. The state border protection in accordance with this Law includes the control of border crossing points and the provision of state borders in order to ensure the inviolability of state borders, the prevention and detection of criminal acts and the perpetrators of those acts, the protection of life and health of people and the environment and preventing irregular migration.

Border control should be observed in the light of the Integrated border management strategy in the Republic of Serbia (Official Gazette of the Republic of Serbia, Nos. 55/05, 71/05-correction, 101/07, 65/08, 16/11, 68/12-CCD and 72/12), according to which, the services present at the border are the Border Police of the Ministry of Interior, Customs Department of the Ministry of Finance and Veterinary and Phytosanitary Inspection of the Ministry of Agriculture, Forestry and Water Industry which are obliged, by their joint work at the border, to facilitate basic preconditions for the efficient system of border control and supervision. Safety of Travel Documents is within the exclusive jurisdiction of the Ministry of Interior. The said area is more specifically regulated by the Law on Travel Documents (Official Gazette of the Republic of Serbia” Nos. 90/07, 76/10).

Safety of containers and the chain of supply fall within the jurisdiction of the Ministry of Interior, Ministry of Finance, Ministry of Infrastructure and the Customs Administration.

Security of radioactive sources is the area where the fundamental regulation is the Law on the Protection against Ionizing Radiation and on Nuclear Safety (Official Gazette of the Republic of Serbia, No. 36/09). The competent authority for the implementation of the measures related to radiation and nuclear safety and security is the Agency for the Protection against Ionising Radiation and Nuclear Safety of Serbia. The role of Serbian Armed Forces in this area arises from the provision of Article 2, paragraph 2, of the Law on Serbian Armed Forces (Official Gazette of the Republic of Serbia, Nos. 88/09 and 101/10) according to which the President of the Republic or the Minister of Defence, authorised by the President, may decide that the Serbian Armed Forces provide assistance to a competent state body or organisation, autonomous province’s body or local authorities, upon their request to protect lives and security of people and property, ensure environmental protection or for any other purpose stipulated by the Law.

The usage of internet and other information networks for the purpose of terrorism may be sub-summed under the preparatory activities for the perpetration of a terrorist criminal act, in the sense of the provision of Article 312 and regarding Article 320 of the Criminal Code of the Republic of Serbia or as some of the accessory activities in terms of the provisions of Article 312 and regarding Articles 33 to 37 of the same Code. Within the Ministry of Defence and Serbian Armed Forces, the Military Security Agency is responsible for detecting, investigating and documenting such misuse of the Internet and other information networks. Section for Supporting the work of the Service for Combating Terrorism and Extremism (SBPTE) within the Criminal Police Directorate includes monitoring the public sources (internet) with the aim of suppressing the criminal act of public incitement to commit terrorist acts (Article 391a, Criminal Code) and criminal act of recruitment and training for terrorist acts (Article 391b, Criminal Code).

The cooperation in the area of justice including extraditions is the exclusive responsibility of the Ministry of Justice, as a part of the executive power in the Republic of Serbia and competent courts as parts of the judicial power in the Republic of Serbia.

The Republic of Serbia has concluded 52 bilateral agreements with 31 states in the area of mutual legal assistance in criminal matters.

The shelters and refuges for terrorists and terrorist organizations should also be observed in the light of criminal-legal regulations referring to terrorism and related criminal offences.

Criminal offence of providing a safe heaven and shelter to terrorists is covered by Article 35 of the Criminal Code of Republic of Serbia which provides for the following:

1. Whoever with intent aids another in the commission of a criminal offence shall be punished with the penalty prescribed for that criminal offence, or a more lenient penalty.
2. The following, in particular, shall be deemed as aiding and abetting in the commission of a criminal offence: providing instructions or advice on how to commit the criminal offence, placing at the disposal of the perpetrator the necessary means to commit the criminal offence, creating the necessary conditions or removing obstacles for the commission of the criminal offence, issuing prior promises to conceal the commission of the criminal offence, the offender, evidence of the criminal offence, and items acquired by the commission of the criminal offence.

The cited article refers to all criminal offences prescribed in the Criminal Code, and thus also concerns the criminal offence of terrorism, international terrorism and financing of terrorism as well.

In order to harmonise the AML/CFT system with the relevant international standards a working group comprising the experts from the Ministry of Justice, Ministry of the Interior, Serbian Public Prosecutor's Office and the Administration for the Prevention of Money Laundering finalised in 2014 a Draft Law on Freezing of Assets for the Purpose of Preventing Terrorism. The Law is fully harmonised with the ratified International Convention on the Suppression of the Financing of Terrorism, UNSC Resolutions 1267, 1373, 1333, 1363, 1455, FATF recommendations, as well as the Third EU Directive, Council Common Position 2001/931/CFSP of 27 December 2001 on the application of specific measures to combat terrorism, and Council Common Position 2005/847/CFSP of 29 November 2005 updating Common Position 2001/931 CFSP on the application of specific measures to combat terrorism and repealing Common Position 2005/725/CFSP.

The Draft Law on Freezing of Assets for the Purpose of Preventing Terrorism was adopted by the National Assembly of the Republic of Serbia on 20 March 2015, and it was published in the Official Gazette of the Republic of Serbia No. 29/2015.

The main objective of this Law is to improve the fight against terrorism by establishing a system of preventive and repressive measures against the financing of terrorism as a preceding and necessary stage in the commission of terrorist acts.

Stationing of armed forces on foreign territory

- 2.1 Provide information on stationing of your State's armed forces on the territory of other participating States in accordance with freely negotiated agreements as well as in accordance with international law.

On the basis of the pronounced need and signed agreements with the UN and the EU, the

personnel of the Ministry of Defence and Serbian Armed Forces are being currently deployed in **eleven** multinational operations (MNOps), seven UN- and four EU-mandated. A total of 328 personnel of the Ministry of Defence and the Serbian Armed Forces (SAF) among which 39 are females (11.89%) are being deployed in the following operations or missions:

- UNMIL in Liberia – five military observers in the Mission
- UNOCI in the Ivory Coast - three military observers in the Mission,
- MONUSCO in the DR Congo – eight SAF members (one medical team for MEDEVAC and a staff element),
- UNFICYP in the Republic of Cyprus - 46 SAF members (a staff officer, military observers and members of an infantry platoon),
- UNIFIL in the Republic of Lebanon – 177 SAF members (staff officers and an infantry company, national support element and force protection platoon),
- UNTSO in the Middle East – one military observer,
- EUNAVFOR ATALANTA in Somalia – 4 SAF officers in a staff element,
- EUTM Somalia in Uganda – 5 SAF members (a staff officer and a medical team),
- EUMAM RCA in the Central African Republic – four SAF members (a medical team), and
- MINUSCA in the Central African Republic – 72 SAF members (staff officers, military observers and a deployable medical treatment facility-Role 2).

It has been planned that 700 SAF members be deployed to MNOps in the course of the year 2015.

3. Implementation of other international commitments related to the Code of Conduct

3.1 Provide information on how your State ensures that commitments in the field of arms control, disarmament and confidence- and security-building as an element of indivisible security are implemented in good faith.

As a UN member, the Republic of Serbia has accepted a range of agreements and resolutions in the area of arms control and disarmament and has been implementing them consistently. *Inter alia*, Serbia has undertaken and fulfilled all the commitments under the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction. The Chemical Weapons Convention (the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction) was adopted in 2000 and a new Law on the Implementation of the Chemical Weapons Convention, which additionally defined measures regarding the prohibition of chemical weapons that had been in place until then, was passed in 2009. As an OSCE participating State, the Republic of Serbia has been fully implementing the Vienna Document 2011, and pursuant to Chapter X of the said Document, it is a State Party to bilateral agreements with Hungary signed by the respective Governments, and with the Republic of Bulgaria signed by the respective Ministries of Defence. Likewise, Serbia has been implementing the OSCE Document on Small Arms and Light Weapons and has accepted the criteria under the EU Code of Conduct on Arms Exports. In addition, Serbia is a State Party to the Dayton Peace Accords, and based upon Article V of Annex 1B to the said Agreement, a bilateral agreement has been signed with the Bundeswehr Verification Centre (Federal Republic of Germany).

Since the signing of the Dayton Peace Accords in 1996, the armed forces strength has been considerably downsized to the required level and, accordingly, the number of major equipment items and systems has been reduced by more than 4100 pieces, out of which 69 items of major equipment in 2015.

The Republic of Serbia meets all its commitments stemming from internationally recognized documents in the field of arms control fully and in a transparent manner, by timely submitting all relevant information with accurate and complete data. All evaluation visits and inspections of specific area according to the Vienna Document 2011 are accepted, and the visits to the Air Base and military facility are organized in stipulated intervals. Arms control inspections are conducted pursuant to the Agreement on Sub-Regional Arms Control, as well as the reduction inspections and certification inspections. Furthermore, the Republic of Serbia also accepts regular OPCW inspections in its territory.

3.2 Provide information on how your State pursues arms control, disarmament and confidence- and security-building measures with a view to enhancing security and stability in the OSCE area.

The arms control is carried out in accordance with provisions of all signed agreements. Since it re-joined OSCE in 2001, the Republic of Serbia has, within the Vienna Document 1999 or the Vienna Document 2011, accepted in its territory 46 specific area inspections and 19 evaluations in accordance with obligatory quotas, and 48 activities pursuant to bilateral agreements. Concurrently, 103 arms control activities have been conducted abroad.

On 13th of May 2010, the Government of the Republic of Serbia adopted the National Strategy for the control of small arms and light weapons and on 9th August 2013 the Action Plan for its implementation.

According to the provisions of the Dayton Peace Accords, Annex 1B, Article IV, the Republic of Serbia has, since the beginning of the implementation thereof in 1996, accepted in its territory 155 arms control inspections covering a total of 231 objects of inspection. At the same time, 136 arms control inspections have been carried out abroad on 235 objects of inspection altogether.

Section II: Intra-State elements

1. National planning and decision-making process

1.1 What is the national planning and decision-making process in determining/approving military posture and defence expenditures in your State?

Defence funding/budgeting rests on an annual basis and is executed from the budget of the Republic of Serbia. The funds generated through other kinds of income may be used for supplementary financing purposes as stipulated by the Budget Act. Pursuant to the Guidance for the Preparation of the Budget of the Republic of Serbia, for each budget year, the Ministry of Defence produces a Draft Defence Fiscal Distribution Plan particularly making sure that this Plan accords with the defence system development and operation plans and programmes.

Transparency in defence planning and budgeting is achieved through the procedure for the budget development, adoption, execution, control and audit. The planning, development, adoption and execution of the Defence Fiscal Distribution Plan are carried out on the basis of a single budget classification.

The Ministry of Defence is responsible for the budget accounting of its own transactions and reporting as per a methodology established by the Ministry of Finance and Economy.³ In addition, the Ministry of Defence submits reports on military expenditure to certain international organisations based on its international commitments arising from the ratified international conventions.

Control and audit are performed at all stages of defence planning and budgeting, being of internal and external types. The internal control and audit are carried out by the competent bodies of the Ministry of Defence. The external control and audit are conducted by the authorised bodies of the Republic of Serbia.

A Defence Planning Council was established within the Ministry of Defence in 2011, as an expert body of the Minister of Defence. Late in 2015, a new Rulebook on Planning, Programming, Budgeting and Execution in the Ministry of Defence and Serbian Armed Forces, which regulates the manner and the procedure of planning, programming, budgeting and execution of plans and programmes within the purview of the Ministry of Defence and Serbian Armed Forces.

Long-term planning of the development of the defence system of the Republic of Serbia is based on the National Security Strategy of the Republic of Serbia and the Defence Strategy of the Republic of Serbia, and the primary document in this area is the Long-Term Defence System Development Plan of the Republic of Serbia. This is a defence planning document that sets forth the strategic orientation in view of the development of the defence system of the Republic of Serbia, the required capabilities of the Armed Forces, the contents and dynamics of organisational changes, the development of human and material resources, defence system budgeting/funding and other issues relevant for the defence system operation in accordance with the missions and tasks in defending the Republic of Serbia.

³ According to the amended Law on Ministries, the name of the Ministry of Finance and Economy is changed to the Ministry of Finance.

Mid-term planning rests on the Long-Term Defence System Development Plan of the Republic of Serbia, and the basic documents relevant for the mid-term planning are the Strategic Defence Review of the Republic of Serbia; Guidelines for Mid-Term Planning and Programming; the Mid-Term Defence System Development Plan and Programme, and mid-term function plans.

Short-term planning is based on the Strategic Defence Review of the Republic of Serbia and the Mid-Term Defence System Development Plan and Programme, and the basic documents in view of the short-term planning are the Ministerial Guidance, annual function plans, the Ministry of Defence Fiscal Distribution Plan, the annual work plan of the Ministry of Defence and the annual work plans of the internal organisational units of the Ministry of Defence and of the commands, units and institutions of the Serbian Armed Forces.

1.2 How does your State ensure that its military capabilities take into account the legitimate security concerns of other States as well as the need to contribute to international security and stability?

The National Security Strategy of the Republic of Serbia, in its part referring to the main orientation and preferences of the national security policy, precisely defines that the Republic of Serbia is devoted to honouring the commitments that stem from the United Nations Charter, principles of the Universal Declaration of Human Rights and the Helsinki Final Act. The said Strategy particularly highlights the quality of refraining from threat of force or use of force for the purpose of violating the territorial integrity or independence of any state. It also emphasises respect for the internationally recognised borders and solving disputes and open issues by peaceful means. The Republic of Serbia calls for compliance with international law, the strengthening of the roles of the UN, OSCE and EU, and for the creation of mechanisms for preserving the security in the world with equal appreciation of the interests of all states, peoples and ethnic groups.

The national security of the Republic of Serbia is closely connected with the security in the region of SEE and of Europe as a whole due to which the Republic of Serbia is constantly improving its relations with the EU member states as well as with the NATO member and partner countries on the basis of a direct, close and long-term cooperation and joint action. By its accession to the NATO PfP Programme, the Republic of Serbia has confirmed its long-term commitment to contribute to common democratic values and to the strengthening of regional and global security. Simultaneously, the Republic of Serbia emphasises its readiness to engage in the EU Common Security and Defence Policy activities.

A matter of particular importance to the Republic of Serbia is the development and enhancement of bilateral relations and cooperation with the neighboring states, and the participation in regional security initiatives, which considerably contributes towards the strengthening of confidence and consolidation of peace and stability in the Southeast Europe region.

The Defence Strategy of the Republic of Serbia sets forth the commitment of the Republic of Serbia to building and strengthening its own defence capacities and capabilities, and to acting jointly with other countries and contributing to the enhancement of national, regional and global security through its integration into European and international security and defence structures. Serbia also reiterates its readiness to fulfil its obligations in the areas of arms control and arms proliferation prevention in a timely manner.

The Republic of Serbia is determined to engage its defence potentials based on the Constitution, the UN Charter and the principles of international law governing the use of force, and to deploy part of its forces to foreign countries' territories solely in the framework of multinational operations, under UN resolutions and international obligations, in compliance with a decision of the National Assembly of the Republic of Serbia and pursuant to the orientation and interests of the Republic of Serbia.

The participation in building and preserving peace in the region and worldwide is one of the missions of the Serbian Armed Forces, which is fulfilled through participation in international military cooperation and multinational operations.

At the proposal of the Government, the National Assembly of the Republic of Serbia enacts laws governing the participation of the members of the Serbian Armed Forces and other defence forces in multinational operations (Law on Defence, Article 5, paragraph 4 and Article 40 and the Law on the Deployment of the Serbian Armed Forces and Other Defence Forces in Multinational Operations Abroad).

The personnel of the Ministry of Defence and the Serbian Armed Forces are deployed to UN-mandated multinational operations based on the Annual Plan for the Use of the Serbian Armed Forces and Other Defence Forces in Multinational Operations, which is approved by the National Assembly.

In the period to come, Serbia is planning to augment the participation in UN and EU multinational operations, and to increase the engagement therein on the basis of the Memorandum of Understanding with the UN on the contributions to stand-by arrangements, which has been signed by the Republic of Serbia, thus making certain capacities of the Ministry of Defence and the Serbian Armed Forces available to UN in case of urgent need for rapid deployment to a multinational operation.

2. Existing structures and processes

2.1 What are the constitutionally established procedures for ensuring democratic political control of military, paramilitary and internal security forces, intelligence services and the police?

In accordance with the Constitution of the Republic of Serbia, the Serbian Armed Forces and security services are under democratic civilian oversight (Article 99, para 20 and Article 141, paragraph 1, of the Constitution), and secret and paramilitary associations are forbidden (Article 55 of the Constitution).

Article 29, paragraph 3, of the Law on the Serbian Armed Forces ("Official Gazette of the Republic of Serbia", Nos. 116/07, 88/09, 101/10 as amended, 10/15 and 88/15 – Decision of the Constitutional Court) stipulates that democratic and civilian oversight of the Serbian Armed Forces is performed by the National Assembly, Ombudsman and other state bodies in accordance with their responsibilities, and by citizens and the public.

Under Article 99, paragraph 1, of the Constitution, the National Assembly oversees the work of the security services. The President of the Republic under Article 112, paragraph 2, in accordance with the law commands the Armed Forces, while the Government, in compliance with Article 123, para 5 guides and coordinates the work of governmental bodies and consequently the work of the Ministry of Defence. Pursuant to Article 138, paragraph 1, of the Constitution, the Ombudsman is an independent state body authorised to protect the rights of citizens and to control the work of the governmental bodies.

The National Security Council has been established pursuant to Article 3, paragraph 2, of the Law on Foundations for the Regulation of Security Services of the Republic of Serbia as a body of the Republic of Serbia, which in addition to the work relating to taking account of the national security in general, guides and coordinates the work of the security services, considers the mutual cooperation among the bodies responsible for defence, the bodies responsible for interior affairs and the security services and their cooperation with other competent state bodies as well as their cooperation with the security agencies and services of foreign countries and of international organisations. The Coordination Bureau has been set up pursuant to Article 3, paragraph 3, of the same Law and it operationally coordinates the work of the security services and executes the conclusions of the National Security Council.

Article 16 of the said Law stipulates the responsibility of the National Assembly to oversee the operation of the security services via a competent parliamentary committee through the prescribed obligation to report to the Committee by the Directors of the security services and through direct oversight (access to premises of a service, access to documentation, etc.).

Article 21 of the same Law stipulates the obligation of the security services to inform the public on their work through the bodies to which they submit reports or directly on certain security occurrence or event.

An appeal may be filed to the Constitutional Court of the Republic of Serbia against specific acts or activities of state bodies or organisations vested with public authority, which violate or deny any human, or minority rights and freedoms guaranteed by the Constitution if all other legal remedies are exhausted or are not envisaged for their protection.

Democratic oversight of the Serbian Armed Forces

Democratic and civilian oversight pursuant to the Law encompasses the procedures for the control of the use and development of the Serbian Armed Forces, the internal and external control of expenditures for military purposes, monitoring the state of affairs and informing the public on the state of preparedness of the Serbian Armed Forces, enabling free access to the information of public significance and determining the responsibility for the performance of military duties (Article 29 of the Law on the Serbian Armed Forces). Democratic and civilian oversight of the Serbian Armed Forces is conducted by the National Assembly, Ombudsman and other state bodies in compliance with their responsibilities, and by citizens and the public. The regulations on the Ombudsman referring to the protection and exercising of the rights of citizens are also applied to the professional members of the Serbian Armed Forces.

Procedures for democratic and civilian oversight of the Serbian Armed Forces

Parliamentary control

Parliamentary control is exercised by the National Assembly through the Security Committee under the conditions prescribed by the Law on Defence (Article 9, paragraph 1 and sub-paragraph 2. 12) and the Rules of Procedure of the National Assembly (Official Gazette of the Republic of Serbia, No. 20/12 – consolidated text).

The Committee, inter alia, regularly discusses also the issues related to exercising the parliamentary control over the Serbian Armed Forces and defence system; the reports from the Ministry of Defence, submitted by the Minister of Defence to the Committee on a quarterly basis, during the sessions of the National Assembly; the issues related to public and state/national security, the reports by the Ministry of Interior on the security situation in the Republic of Serbia, submitted to the National Assembly upon request (Article 49 of the Rules of Procedure of the National Assembly).

Direct control

Control by the President of the Republic and the Minister of Defence, exercised in accordance with the law, over the Serbian Armed Forces Chief of General Staff through regular review and evaluation of operational and functional capabilities of subordinate commands, units and institutions of the Serbian Armed Forces. The Serbian Armed Forces General Staff notifies and reports to the President and the Minister of Defence on the work and the situation in the Serbian Armed Forces (Article 36 of the Law on Defence).

Public control

Way of informing the public about the activities of the Ministry of Defence and the Serbian Armed Forces is regulated by the Instruction concerning information of the public on the work of the Ministry of Defence and the activities of the Serbian Armed Forces (Official Military Gazette, Nos. 35/08 and 19/09) by authorisation under Article 30 of the Law on the Serbian Armed Forces.

The public is being informed through the website of the Ministry of Defence, which has published the Register of regulations that is updated monthly and the Bulletin on the work of the Ministry of Defence which has been prepared in accordance with Article 40 of the Law on Free Access to Public Information (Official Gazette of the Republic of Serbia, Nos. 120/04, 54/07, 104/09 and 36/10).

Procedures of democratic and civilian control of the security services

Democratic and civilian control of the security services is governed by the Law on the Foundations for the Regulation of the Security Services in the Republic of Serbia (Official Gazette of the Republic of Serbia, No. 116/07).

Parliamentary control

Parliamentary control is exercised by the National Assembly through the Security Committee under the conditions prescribed by the Law on Defence (Article 9, paragraph 1, and sub-paragraph 2.12) and Article 49 of the Rules of Procedure of the National Assembly (Official Gazette of the Republic of Serbia, No. 20/12 – consolidated text).

Articles 17-20 of the Law on the Foundations for the Regulation of the Security Services in the Republic of Serbia stipulate that the Director of the Security Service is obliged to appear before the Committee upon being summoned by it. If the Director of the Security Service is not able to attend the session of the Committee, he is obliged to send his deputy or an authorized representative to the Committee session. The Committee may meet behind closed doors. In this case, the Committee Chair informs the public about the

work of the Committee, in accordance with the decisions made at the session of the Committee (Article 17 of the Law).

The Director of the Security Service concerned submits a report on the work of the service (regular report) to the Committee at least once during the regular National Assembly session or at the request of the Committee, an extraordinary report, as appropriate (Article 18 of the Law).

The Director of the Security Service shall, at the request of the Committee, grant the members of the Committee access to the premises of the service, allow access to documentation, provide data and information on the work of the service and answer their questions related to its work (Article 19, paragraph, 1 of the Law).

Committee members cannot request from the security services the following information: identity of present and former collaborators and informants of the Service; third persons who could be harmed by the disclosure of this information; methods of collection of security intelligence; current actions; methods of implementation of special procedures and measures; and the data and information that were obtained through exchange with foreign services and international organizations and classified information by other state bodies that have such service (Article 19, paragraph 2, of the Law).

In terms of the obligation to safeguard classified information, Article 20 of the Law prescribes that the Committee members and persons participating in its work are required to protect and keep confidential the information they get hold of while participating in the work of the Committee even after they are no longer members or do not participate in the work of the Committee. The Committee members sign the statement of commitment to secrecy after their election to the Committee, and the persons participating in the work of the Committee sign it before they start their engagement in the Committee (Article 20).

Public control of the military security services

Public oversight in accordance with Article 21 of the Law means the obligation of the security services to inform the public about their work through the bodies to which they submit their reports, in a way that does not infringe upon the rights of citizens, national security and other interests of the Republic of Serbia, and may directly inform the public about certain security occurrences and events.

Regular reporting to the competent authorities on the work of the military security services

The Law on Military Security Agency and Military Intelligence Agency establishes the obligation of regular reporting on the work of the military security services.

Article 34 of the Law provides that the Military Security Agency and the Military Intelligence Agency shall regularly, when needed and upon request, deliver reports, information and assessments from their scope of work, that are of importance for defence to the President of the Republic, Minister of Defence and the Serbian Armed Forces Chief of Staff.

Provided there is an immediate danger threatening the security of the Ministry of Defence and the Serbian Armed Forces commands, units and establishments, the

Military Security Agency and the Military Intelligence Agency shall promptly inform the competent leadership and command bodies (President of the Republic, Minister of Defence and Serbian Armed Forces Chief of General Staff) on the information they obtained while discharging their duties and powers under this Law. Reports, information, and assessments referred to in paragraphs 1 and 2 of this Article shall be treated as classified information, in compliance with the Law governing the protection of classified information.

Article 35 of the Law stipulates that the Military Security Agency and the Military Intelligence Agency shall provide accurate, true and complete information on data collected on persons and data of public significance in compliance with the regulations governing personal data protection, free access to information of public interest and provisions of this Law.

The right to information and access to information set forth in paragraph 1 of this Article is limited in accordance with regulations governing the area of free access to public information, protection of classified information, protection of personal data and provisions of this Law. The right to information and access to information spelled out in paragraph 1 of this Article shall not include data on: authorized official personnel of the Military Security Agency and the Military Intelligence Agency who were undertaking measures; identity of present and former collaborators and informants of the Service; third persons who could be harmed by disclosure of these data; methods of gathering security intelligence; current actions; methods of implementation of special procedures and measures; and the data and information that were received through exchange with foreign services and international organizations and classified information by other state bodies that have such service.

Democratic and civilian control of military security services

National Assembly

The National Assembly supervises the work of the Military Security Agency and Military Intelligence Agency, in accordance with the provisions of the Law on Military Security Agency and Military Intelligence Agency, which provides that the National Assembly **exercises control** of military security services in a manner governed by the Law on the Foundations for the Regulation of the Security Services in the Republic of Serbia (Article 52 of the Law).

Government

Government via the Ministry of Defence exercises control and provides necessary resources for the work of the Military Security Agency and the Military Intelligence Agency and exercises other powers in accordance with the law, via the Ministry of Defence and the Inspector General (Article 53 of the Law).

Inspector General

The Inspector General: 1) oversees implementation of the principles of political, ideological and interest neutrality in the activities of MSA and MIA and their personnel, 2) oversees legality of the implementation of special procedures and measures for covert data collection, 3) oversees legality of budgetary and other resources spent on their activities, 4) offers opinion on draft laws, other regulations and general legal acts within the competences of the MSA and the MIA, 5) establishes the facts regarding observed illegal or irregular actions in the activities of the MSA and the MIA and their personnel, and 6) reports to the Minister of Defence on the findings of the oversight including further measures. The Inspector General shall be appointed by the Government for a

period of five years at the proposal from the Minister of Defence, taking into consideration an opinion of the National Security Council. The Inspector General shall be accountable to the Minister of Defence. The Inspector General shall report on the implemented oversight at least once a year to the relevant Committee of the National Assembly. The Inspector General shall not be a member of a political party or hold any other public office (Article 54 of the Law).

The method of exercising internal control of the Military Security Agency and the Military Intelligence Agency and other issues of importance for the work of the Inspector General shall be determined by the Minister of Defence (Article 56).

Internal Control

The Internal Control of the Military Security Agency and of the Military Intelligence Agency shall inspect the legality of their work and the implementation of the powers and responsibilities vested with their personnel. Head of Internal Control shall be directly subordinate to the Director of the Military Security Agency or to the Military Intelligence Agency, to whom he/she shall submit regular reports on their activities and on potential abuses and irregularities in the operations of the Military Security Agency and the Military Intelligence Agency. Head of Internal Control shall inform the Inspector General, and as appropriate, the relevant Committee of the National Assembly, when they find that the MSA or the MIA Director failed to rectify the irregularity in the work identified by the Internal Control. At the request of the Internal Control and as a result of the decision of the MSA or the MIA Director, the MSA or the MIA member is obliged to undergo a security check, inspection of psychological and physical capability, inspection of health condition, polygraph testing and other checks (Article 57 of Law).

Democratic oversight of the Serbian Police

Article 6, paragraph 1, of the new Law on Police envisages that the work of the Ministry of Internal Affairs is transparent, while paragraph 3 of the same Article stipulates that the Ministry once a year, and not later than three months after the end of the calendar year, should publish the Report on the security situation in the Republic of Serbia, informing the public in a transparent and open manner on the security assessment, crime trends, and other security issues of importance for the safety and rights of citizens, as well as the Report on the work of the Ministry, informing the public, in a transparent and open manner on police service development, statistics on the conducted activities and their outcomes. In addition to the mentioned reports the Ministry posts quarterly on its website information about its work, adopted by the Committee of the National Assembly of the Republic of Serbia in charge of internal affairs.

In accordance with Article 11, paragraph 1, sub-paragraph 3 of the Law on the Police, the Ministry of Interior is to ensure regular cooperation with the authorities and bodies that are legally mandated to conduct external control of the Police. The work of the Ministry of Interior is under the democratic control, in accordance with Article 219 of the Law on Police. The work of the Ministry is overseen through external control and internal control.

The National Assembly, assembly units of provincial autonomy or local self-government units, including town municipalities, judicial authorities, independent state authorities in charge of oversight and other authorized state authorities and bodies,

citizens and the public are responsible for carrying out external control of the Ministry in accordance with Article 221 of the Law on Police, and the external control of the Ministry's work. Internal control of the work of the Police and other employees of the Ministry, especially in terms of their observance and protection of human and minority rights and freedoms while performing official tasks and exercising police powers, namely while performing activities within their purview is performed by the Sector of Internal Control according to articles 224 and 225 of the Law on Police. The Sector of Internal Control acts on its own initiative, at the request of the competent Public Prosecutor, based on collected intelligence and other knowledge, written requests of police officers and other employees of the Ministry, as well as complaints by and legal persons. Particular form of the internal control of police conduct is carried out through the right of submitting complaints, or complaints procedure in accordance with article 234 of the Law on Police. The Complaints Committee consists of three members: Chairperson of the Committee, one member from the Ministry and one representative of the general public

2.2 How is the fulfilment of these procedures ensured, and which constitutionally established authorities/institutions are responsible for exercising these procedures?

Under the Constitution, bodies of the Republic of Serbia which are responsible for carrying out the procedures in the area of democratic and political control of the Armed Forces and the security services in the Serbian Armed Forces are: the National Assembly, the President of the Republic, the Government, courts, and the Ombudsman.

The procedures for exercising democratic political control over the military and security forces defined by the Constitution only in general terms are elaborated in a wide range of other legal acts.

We point out to the following regulations:

The Law on Defence, in its Article 9, and the Law on the Serbian Armed Forces, in its Article 29, indicate that the Serbian Armed Forces (SAF) is under democratic and civil control and that this control includes: control over the use and development of SAF, internal and external control of military expenditure, monitoring the state of affairs and informing the public about the current status of the SAF preparations, ensuring a free access to information for the public and determining the responsibilities for the discharge of service duties in compliance with the law. This democratic and civil control is being exercised by the National Assembly of the Republic of Serbia, by the Ombudsman and other governmental bodies in accordance with their responsibilities as well as by the citizens and the public.

The Law on Ombudsman regulates in detail the procedure for protecting the rights of the citizens if they claim that any of their human or minority rights has been violated by an act of a governmental body or an organisation entrusted with public authorisations. This equally refers to both the Serbian Armed Forces and the security services.

Pursuant to the Law on Basic Structure of the Security Services in the Republic of Serbia, two types of control have been established. First of all, the National Security Council exercises control over the operation of the security services by guiding and coordinating the work of these services.

In addition, the National Assembly of the Republic of Serbia oversees, either directly or via its Surveillance Committee, the work of the security services in terms of constitutionality and legality, compliance with the highest-level political documents

defining the intelligence and security policy of the country as well as the political, ideological and interest neutrality in the work of these services, and the spending of the budget and other working resources on the security services.

According to the Law on the Military Security Agency and the Military Intelligence Agency, oversight and control over the work of the Military Security Agency are exercised by the Internal Control and the Government via the Ministry of Defence (external control). For the purposes of external control, the Government appoints an Inspector General.

Article 57 of the Law on the Military Security Agency and Military Intelligence Agency stipulates that the Internal Control as an organisational unit within the MSA and the MIA shall inspect the legality of their work and the implementation of powers and authorisation of their personnel, and when they have findings that the MSA or the MIA Director failed to rectify the identified irregularity they may turn to the Inspector General or the relevant Committee of the National Assembly, as appropriate. This Article also prescribes that the members of the services are obliged to undergo a security check, inspection of psychological and physical capability, inspection of health condition, polygraph testing and other checks if so required by the Internal Control.

Pursuant to the Constitution, the bodies/agencies responsible for carrying out these are as follows:

Constitutional Court

The Constitutional Court is an independent and autonomous state body which shall protect constitutionality and legality and human and minority rights and freedoms. Decisions of the Constitutional Court are final, enforceable and generally binding (Article 166 of the Constitution). Proceedings for assessing the constitutionality may be instituted by state bodies, bodies of territorial autonomy or local self-government, and at least 25 deputies or MPs. The proceedings may also be instituted by the Constitutional Court itself. Any legal or natural person has the right to initiate the proceedings on the constitutionality and legality.

The Law or other general act which is not in compliance with the Constitution or the law shall cease to be effective on the date of publication of the Constitutional Court decision in the official journal. Before passing the final decision and under the terms specified by the Law, the Constitutional Court may suspend the enforcement of an individual general act or action undertaken on the grounds of the law or other general act whose constitutionality or legality it assesses. The Constitutional Court may assess the compliance of the law and other general acts with the Constitution, compliance of general acts with the law, even when they ceased to be effective, if the proceedings of assessing the constitutionality has been instituted within a period of no more than six months after they ceased to be effective (Article 168 of the Constitution).

Constitutional appeal

A constitutional appeal may be lodged against individual acts or actions performed by state bodies or organisations exercising delegated public powers which violate or deny human or minority rights and freedoms guaranteed by the Constitution, if other legal remedies for their protection have already been applied or not specified (Article 170, Constitution).

Ensuring the enforcement of the decision of the Constitutional Court

Everyone is obliged to observe and enforce the Constitutional Court's decision. The Constitutional Court shall regulate in its decision the manner of its enforcement,

whenever necessary. Enforcement of the Constitutional Court's decisions shall be regulated by the law (Article 171 of the Constitution). The Law on the Constitutional Court was passed (Official Gazette of the Republic of Serbia, Nos. 109/07, 99/11, 18/13 – the Constitutional Court decision, 103/15 and 40/15 as amended).

Article 104 of the Law on the Constitutional Court stipulates that state and other authorities, organisations vested with public powers, political parties, trade unions, citizens' associations or religious communities have an obligation to enforce decisions and orders of the Constitutional Court, within the scope of their rights and duties. If necessary, enforcement of decisions and rulings of the Constitutional Court shall be secured by the Government, in a manner established by a special Constitutional Court ruling.

Ombudsman

Ombudsman is an independent state body that protects the rights of citizens and monitors the work of state administration, the authority responsible for the legal protection of proprietary rights and interests of the Republic of Serbia, as well as other bodies and organizations, companies and institutions vested with public powers. Ombudsman is not authorised to monitor the work of the National Assembly, President of the Republic, Government, Constitutional Court, courts and public prosecutors' offices. Ombudsman shall be elected and dismissed by the National Assembly, in accordance with the Constitution and the law. The Ombudsman reports back to the National Assembly (Article 138 of the Constitution).

The Ombudsman shall enjoy immunity as a Member of Parliament. The National Assembly shall decide on the immunity of the Ombudsman (Article 138 of the Constitution). The Law on Ombudsman was enacted (Official Gazette of the Republic of Serbia, Nos. 79/05 and 54/07). Article 29, paragraph 3, of the Law on the Armed Forces of Serbia stipulates that the regulations on the Ombudsman relating to the protection and exercise of the rights of citizens, directly apply to professional members of the Serbian Armed Forces.

Commissioner for Access to Information of Public Importance

In order to exercise the right of access to public information held by public authorities, the Commissioner for Access to Information of Public Importance was established by the law as an autonomous state body, independent in exercising his/her authority (Article 1, paragraph 2, of the Law on Free Access to Information of Public Importance).

National Security Council

Directing and coordinating the work of security services in the Republic of Serbia is governed by the Law on the Foundations for the Regulation of the Security Services in the Republic of Serbia and this is done via a specially established body of the Republic of Serbia, the National Security Council.

Article 5 of the Law specifies that the National Security Council is the body of the Republic of Serbia which performs certain tasks and duties in the field of national security by directing and coordinating the work of security services and by ensuring harmonised implementation of regulations and standards for the protection of personal data and other regulations that protect human rights which may be compromised by exchanging information, or other operational activities.

In accordance with Article 6 of the Law, members of the Council are: President of the Republic, Prime Minister, Minister of Defence, Minister of the Interior, Minister of Justice, Chief of General Staff of the SAForces and Directors of the security agencies.

Coordination Bureau

In accordance with Article 11 of the Law, operational coordination and execution of the conclusions of the Council, are performed by the Coordination Bureau, in particular: establishes the tasks that are executed by operational harmonisation of activities of security services and between the security services and other state bodies and in this regard co-ordinates their activities, establishes the mode of operational harmonisation in certain cases, establishes mixed working groups for operational tasks performed through operational harmonisation of the activities and determines their tasks, analyses the results of operational harmonisations and relevant reports to the Council, as appropriate, and at least every six months. The work of the Coordination Bureau is regulated in more detail in the Rules of Procedure of the Council. The Coordination Bureau consists of Directors of security services and the Secretary and the following persons may be invited to participate: representatives of the Ministry of Foreign Affairs, Director of the Police and chiefs of police departments, the State Public Prosecutor, Director of the Customs Administration and other executives of state bodies, organizations and institutions (Article 12 of the Law) who are obliged, in compliance with their constitutional and legal position, to cooperate with the Council on matters within the competence of the Council, especially in the execution of the conclusions of the Council, and in case they do not cooperate with the Council or fail to execute the conclusions of the Council, the Secretary promptly notifies the Council of it, which then can call upon the Head of a state body to take all measures stipulated by the law for the state body to establish cooperation with the Council or execute the conclusion of the Council (Article 13 of the Law).

2.3 What are the roles and missions of military, paramilitary and security forces, and how does your State control that such forces act solely within the constitutional framework?

The roles and missions of the military forces and how they are used are set out in Articles 139-141 of the Constitution.

The Serbian Armed Forces perform the assigned missions and tasks prescribed by the law, as established in the basic strategic and doctrinal and planning defence documents (Article 6 of the Law on Defence). The role of the military forces in the field of defence is governed by Article 31 of the Law on Defence, which provides that the Serbian Armed Forces is organized armed forces and the holder of combat operations and all other forms of armed resistance, whose powers are laid down in the Constitution and the law. The Serbian Armed Forces integrates all participants in combat operations and commands, all the forces involved in combat operations in the state of war and the state of emergency based on the law and in accordance with the Doctrine of the Serbian Armed Forces. The Serbian Armed Forces Doctrine is based on the Defence Strategy of the Republic of Serbia.

The tasks of the Serbian Armed Forces are governed by Article 12 of the Law on the Serbian Armed Forces, which provides that the Serbian Armed Forces exercises its competences in accordance with the Constitution, law, other regulations and general legal documents and international treaties and agreements concluded or acceded to by the Republic of Serbia, in accordance with the Defence Strategy (adopted by the National Assembly), the Doctrine of the Serbian Armed Forces (as determined by the President of the Republic) and the principles of international law governing the use of force. The Serbian Armed Forces is neutral in terms of ideology, interests and political parties.

The decision on the use of the Serbian Armed Forces outside the territory of the Republic of Serbia is made solely by the National Assembly (Article 9 of the Law on Defence), and in the country its use may be ordered only by the President of the Republic and this right cannot be transferred to any other officials (Article 11 of the Law on Defence). Use of the Serbian Armed Forces abroad is governed by a special Law on the use of the Serbian Armed Forces and other defence forces in multinational operations outside the borders of the Republic of Serbia (Official Gazette of the Republic of Serbia, No. 88/09).

The role of paramilitary forces

Organising into paramilitary formations is prohibited pursuant to Article 55, paragraph 3, of the Constitution. According to Articles 33 and 117 of the Law on Defence, any kind of paramilitary organization and association aimed at execution of tasks pertaining to defence of the country is prohibited and subject to criminal liability. The same prohibition is stipulated in Article 2, paragraph 4, of the Law on Associations (Official Gazette of the Republic of Serbia, Nos. 51/09 and 99/11).

The role of the military security forces

The role of the military security forces is regulated by the Law on the Foundations of the Security Services System in the Republic of Serbia. Article 2 thereof stipulates that security services operate pursuant to the Constitution, laws, regulations and general legal documents, the National Security Strategy, Defence Strategy and the established security and intelligence policy of the Republic of Serbia.

Members of the security services are obliged to act in accordance with the Constitution, laws, regulations and general legal documents, according to rules of profession, impartially and in a politically neutral manner. Members of the security services may not be members of political parties.

The role of the military security forces in defence is governed by Article 20 of the Law on Defence, which provides that the security and intelligence affairs of importance for the defence include security activities, counter-intelligence activities, intelligence activities and military police activities that are conducted subject to separate laws.

Responsibilities, tasks and activities of the bodies conducting security and intelligence activities relevant to defence, as an administrative body within the Ministry of Defence, are set forth in the Law on the Military Security Agency and Military Intelligence Agency.

3. Procedures related to different forces personnel

3.1 What kind of procedures for recruitment and call-up of personnel for service in your military, paramilitary and internal security forces does your State have?

Upon entry into force of the Decision to put the compulsory military service in abeyance (Official Gazette of the Republic of Serbia, No 95/10) on 01 January 2011, the military service under arms in the Serbian Armed Forces is based on a voluntary principle.

The military service applies to conscripts aged 19 to 30. For conscripts who wish of their own free will to do their national service under arms in the Serbian Armed Forces, the provisions of the Law on Military, Labour and Material Obligations shall apply (Official

Gazette of the Republic of Serbia, Nos. 88/09 and 95/10).

Other persons are subject to registering in the military records as of the calendar year in which they turn 18 and they have the obligation to serve in the reserve force until the end of the calendar year when they are 60 years old for men and 50 years old for women.

The competent territorial authorities invite to medical examinations and psychological testing and recruitment only the conscripts who have signed up for voluntary military service under arms in the Serbian Armed Forces to assess their fitness for military service.

The reserve force members may be invited to military exercises in the Serbian Armed Forces for up to 90 days in a calendar year.

Conscripts who have an assigned wartime posting in the Ministry of the Interior are not invited to military exercises, but they perform their duties according to the Law on Police.

The Republic of Serbia, pursuant to Article 33 of the Law on Defence, prohibited the formation of paramilitary organizations and associations with the aim of performing the tasks pertaining to the defence of the country (Official Gazette of the Republic of Serbia, Nos. 116/07, 88/09, 88/09 – as amended, 104/09 – as amended and 10/15).

Police recruitment procedures are regulated by Policing Act Chapter 5: Labour Relations. We draw particular attention to Article 112 of this Chapter. It is also important to draw attention to Article 16 of the Law on the organization and powers/responsibilities of state authorities in organized crime control.

3.2 What kind of exemptions or alternatives to the military service does your State have?

Article 43 of the Constitution of the Republic of Serbia (Official Gazette of the Republic of Serbia”, No 98/2006) guarantees freedom of thought, conscience, belief and religion, and the right to stand by one's belief or religion or change them by one's own choice.

Pursuant to Article 45 of the Constitution, no person shall be obliged to perform military or any other service involving the use of weapons if this is contrary to his/her religion or beliefs.

Until the effective date of the Decision to put the compulsory military service in abeyance, the alternative to the military service in our country had been the civil service done in governmental bodies, organizations, institutions and legal entities performing activities of general public importance and financed from the Budget of the Republic of Serbia. The civil service was allowed to a conscript, who for religious, moral or other justifiable reasons of the conscientious objection wished to replace the conscription service under arms with the civilian service, under the terms and conditions stipulated in the Law on the Alternative Civil Service (Official Gazette of the Republic of Serbia, No. 88/09).

As of 01 January 2011, the military service under arms in the Serbian Armed Forces has been done on a voluntary basis. Concerning the fact that mandatory military service no longer exists, there is no conscientious objection pertaining to the fulfilment of the compulsory military service obligation.

The claims of conscientious objectors shall from the moment of possible entry into force of the decision on the reactivation of the compulsory military service be resolved under the conditions prescribed by the Law on the Alternative Civil Service (Official Gazette of the Republic of Serbia, No . 88/09).

3.3 What are the legal and administrative procedures to protect the rights of all forces personnel as well as conscripts?

All members of the Ministry of Defence and the Serbian Armed Forces, and likewise the conscripts, are guaranteed human and minority rights under the Constitution.

All are equal before the Constitution and the law. Everyone has the right to equal legal protection without discrimination.

Everyone has the right to judicial protection, when any of their human or minority rights guaranteed by the Constitution have been violated or denied, they shall also have the right to elimination of consequences arising from the violation. Human dignity is inviolable and everyone shall be obliged to respect and protect it. The members of the armed forces and conscripts have the right to life, inviolability of physical and mental integrity, protection against slavery, servitude and forced labour, and the right to freedom and security.

The Law on the Serbian Armed Forces (Official Gazette of the Republic of Serbia, Nos. 116/07, 88/09 and 101/10 as amended and 10/15) stipulates the following:

- The Serbian Armed Forces exercises its competence in accordance with the Constitution, laws, other regulations and general legal documents and international treaties and agreements concluded or acceded to by the Republic of Serbia, in accordance with the Defence Strategy, the Doctrine of the Serbian Armed Forces and the principles of international law governing the use of force;
- A member of the Serbian Armed Forces in performing his/her duty has the right to refuse to execute an order or a command given by his/her superior or senior officer whose execution would imply a criminal act;
- No one shall exercise influence on the Serbian Armed Forces members to do something or fail to do something contrary to regulations;
- It is forbidden to favour or deprive a Serbian Armed Forces member of his/her rights and duties, particularly for reasons of his/her race, religion and nationality or gender, background or any other personal feature;

The Constitution of the Republic of Serbia guarantees human and minority rights and proclaims that everyone is entitled to equal protection before the law. Article 87 of the Policing Act guarantees legal assistance free of charge to every authorized official if criminal proceedings have been instituted against him/her for using means of coercion or for committing other acts in the performance of their official duties in accordance with the law.

4. Implementation of other political norms, principles, decisions and international humanitarian law

4.1 How does your State ensure that International Humanitarian Law and Law of War are made widely available, e.g., through military training programmes and regulations?

Within the defence system reform process, we have completed a regulatory framework for the implementation of the norms, principles and positions of International

Humanitarian Law in the military educational system and the training of the commands and units of the Serbian Armed Forces.

During 2010 and 2011, four titles of military technical literature in the field of International Humanitarian Law were compiled (*Serbian Armed Forces IHL Handbook, Application of IHL in the SAF – Handbook for Commanders, Code of Conduct for Combatants in Armed Conflicts, IHL Practicum for training of command and staff officers*) and a document entitled *Strategic guidelines for the integration of international humanitarian law in the military education and training system in the Serbian Armed Forces*, approved by the Minister of Defence in 2010.

The Handbook is intended to support the actual training of the members of the Serbian Armed Forces in developing the awareness and application of the LOAC rules. The LOAC rules are embedded in and make an integral part of the military training whose purpose is to acquire the knowledge and skills to implement the LOAC rules as an indispensable part of the overall military knowledge and skills.

IHL Practicum for the training of command and staff officers completely rounds off and defines the integration of IHL into the defence system. The practicum enables officers holding different positions to understand the necessity and manner of implementation of the IHL provisions in the decision-making process by applying staff procedures incorporating the rules of international humanitarian law in the conduct of exercises.

“Strategic Guidelines for the LOAC integration into the military educational system and the training system in the Serbian Armed Forces”, which was approved by the Minister of Defence in 2010, identifies the goals, priorities, activities and resources for the improvement of the situation in this area during the period from 2010 to 2015 in a holistic and unique manner. The Guidelines establish the necessary regulatory, organizational, personnel and material conditions for the consistent application of IHL in accordance with international commitments.

While producing the above-mentioned documents and in the conduct of training in the LOAC area within the Ministry of Defence and the Serbian Armed Forces, the Training and Doctrine Department (J-7) of the SAF General Staff, has established solid cooperation with the International Committee of the Red Cross (ICRC) and the Centre for LOAC and International Organisations of the Faculty of Political Science in Belgrade.

Implementation of the three-year Strategy concerning the course on “The Law of Armed Conflict” for 2012-2014 in the Serbian Armed Forces is underway, and it is conducted with the support by partner countries: the Kingdom of the Netherlands, UK of Great Britain and Northern Ireland, Canada and the Kingdom of Norway. The Course on “The Law of Armed Conflict” has a regional character, and besides the members of the Armed Forces, representatives of the armies from the region have also participated in it. Also, the on-line distance learning course on International Humanitarian Law has been developed as support to education and training in this field in the Ministry of Defence and the Serbian Armed Forces.

4.2 What has been done to ensure that armed forces personnel are aware of being individually accountable under national and international law for their actions?

The provision contained in Article 8 of the Law on Defence provides that the members of the Serbian Armed Forces and of other defence forces are always and in all circumstances while conducting both combat and non-combat operations obliged to

comply with the rules of international humanitarian law pertaining to the treatment of the wounded and prisoners-of-war and protection of the population as well as with other IHL rules and international standards relating to the use of force in accordance with the Constitution, law and the ratified international agreements.

A member of the Serbian Armed Forces and of other defence forces is entitled to disobey an order requiring him/her to act contrary to the Constitution, law and the rules of international humanitarian law.

The provision embodied in Article 33 of the Law on Defence reads as follows: "Any kind of a paramilitary organization and association aimed at execution of defence tasks pertaining to defence of the country shall be forbidden. Any use of the Serbian Armed Forces for the purposes of political parties, ideological or religious ends shall be prohibited. Any use of insignia, symbols and other emblems of the Serbian Armed Forces by legal entities, entrepreneurs and associations shall be prohibited, unless approved by the Minister of Defence."

The provision contained in Article 13 of the Law on the Serbian Armed Forces stipulates that "when performing his/her service, a Serbian Armed Forces member shall be obliged to: 1) act in accordance with the Constitution, law, other regulations and commanding acts, rules of profession, in an unbiased and politically neutral manner;" and "7) act in accordance with the Service Regulations of the Serbian Armed Forces and the Code of Honour of the Serbian Armed Forces personnel." "No one should exercise influence on the Serbian Armed Forces members to do something or fail to do something contrary to regulations.

It is forbidden to favour or deprive a Serbian Armed Forces member of his/her rights and duties especially on the grounds of his/her race, religion, gender or nationality, background or any other personal feature."

Article 53, paragraphs 1, 2, 3 and 4, of the Law on the Serbian Armed Forces provides that the Military Police is responsible for the affairs related to the suppression of crime, control and maintenance of the military order and discipline, the security of the most important military facilities, of certain persons, documents and armaments, the management and control of military road traffic and anti-terrorist protection in the MoD and SAF.

Authorized personnel of the Military Police conduct criminal processing of MoD employees and SAF personnel if there are grounded suspicions that they have committed a criminal act in the course of their service or in relation to their service, and they prosecute them officially unless the law stipulates otherwise.

Article 143 of the Law on the Serbian Armed Forces provides that the accountability of SAF members for a criminal act, economic offence or violation does not rule out disciplinary responsibility if the action, which is the subject of a criminal offence, proceeding for establishing responsibility for economic offence or misdemeanour, implies dereliction of duty.

Disciplinary action is taken regardless of the course of criminal trial or the proceedings instituted on account of responsibility for economic offence or misdemeanour.

For a criminal act against the Serbian Armed Forces, carrying a stipulated prison sentence of up to three years, a disciplinary action may be taken against a military person and a disciplinary penalty, i.e. disciplinary measure may be pronounced in line with this Law, instead of a criminal penalty, provided the offence is considered to be a light one and the service interests require such an action, pursuant to the Criminal Code

provisions.

In terms of raising awareness and individual responsibility for their own actions, personnel of the Serbian Armed Forces bear disciplinary responsibility for the violation of service duties for which the Law on the Serbian Armed Forces and the Rules on Military Discipline provide for disciplinary action to be taken for disciplinary faults or disciplinary punishments to be imposed for disciplinary offences, which are applied upon report or request by the responsible officer.

The Law requires obligatory training and career management for all personnel of the Serbian Armed Forces, which is realized on the basis of the adopted curricula for education in military schools or Plan for Professional Development in the country and abroad, providing guidance for international law governing the use of force, or international humanitarian law and international standards applicable in the field of use of force.

Advanced education of the Serbian Armed Forces personnel in the areas of importance to the national defence by organizing training courses is regulated by the Rulebook on the courses and other forms of advanced education in the Ministry of Defence and the Serbian Armed Forces, and is conducted based on the decision of their organization in military schools and units or establishments of the Serbian Armed Forces or the organizational units of the Ministry of Defence. The courses include, inter alia, the area of international humanitarian law and are intended, apart from the acquisition of knowledge in this field, also for the training of relevant trainers.

The Law on Military Schools and Military Research Institutions and Career Development Strategy prescribes organisation of advanced training for acquiring the prescribed command staff and general staff officer titles during their military service, and for persons with higher degrees of education received in civilian universities admitted to professional military service, professional training for initial officer duties or the commanding of tactical units in the services and appropriate command and managerial duties in the service.

The rules of the use of the Serbian Armed Forces include the manner of implementing the rules of international humanitarian law and procedures for the implementation thereof in the process of planning and execution of operations and commanding of operations. The rules of deployment (engagement) are developed to support operational plans and/or operational orders for conducting combat operations with a view to more precisely defining the conduct of individuals and units involved in combat actions, in accordance with the norms of international humanitarian law. The rules of engagement that are further elaborated and prescribed for specific operations or tasks of the SAF are referred to as “the rules of engagement profiles”. They contain appropriate level details required for operation at all command and conduct levels.

4.3 How does your State ensure that armed forces are not used to limit the peaceful and lawful exercise of human and civil rights by persons as individuals or as representatives of groups nor to deprive them of national, religious, cultural, linguistic or ethnic identity?

Article 20 of the Constitution provides that that the human and minority rights guaranteed by this document may be restricted by the law if the Constitution permits such restriction and for the purpose allowed by the Constitution to the extent necessary to meet the constitutional purpose of the restriction in a democratic society and without encroaching upon the substance of the relevant guaranteed right. The achieved

level of human and minority rights may not be lowered. When placing restrictions on human and minority rights, all state bodies, particularly the courts, shall be obliged to consider the substance of the restricted right, pertinence of restriction, nature and extent of restriction, relation of restriction and its purpose and the possibility to achieve the purpose of the restriction with less restrictive means (measure determining criteria).

Article 202 of the Constitution provides that upon declaration of the state of emergency or war, derogations from human and minority rights guaranteed by the Constitution shall be permitted only to the extent deemed necessary. Measures providing for derogation shall not bring about differences based on race, sex, language, religion, ethnic origin or social background. Measures providing for derogation from human and minority rights shall cease to be effective upon ending of the state of emergency or war.

The deviation measures are in no circumstances allowed vis-à-vis the rights guaranteed by the Constitution: Article 23 (Dignity and Free Development of Individuals), Article 24 (Right to Life), Article 25 (Inviolability of Physical and Mental Integrity), Article 26 (Prohibition of Slavery, Servitude and Forced Labour), Article 28 (Treatment of Persons Deprived of Liberty), Article 32 (Right to a Fair Trial), Article 34 (Legal Certainty in Criminal Law), Article 37 (Right to Legal Person), Article 38 (Right to Citizenship), Article 43 (Freedom of Thought, Conscience and Religion), Article 45 (Conscientious Objection), Article 47 (Freedom of Expressing National Affiliation), Article 49 (Prohibition of Inciting Racial, Ethnic and Religious Hatred), Article 62 (Right to Enter into Marriage and Equality of Spouses), Article 63 (Freedom to Procreate), Article 64 (Rights of the Child) and Article 78 (Prohibition of Forced Assimilation).

The position and responsibilities of the Serbian Armed Forces are prescribed in Article 2 of the Law on Serbian Armed Forces according to which the Serbian Armed Forces is an organised armed force defending the country from external armed threats and carrying out other missions and tasks in accordance with the Constitution, law and principles of international law governing the use of force, and the engagement of the Serbian Armed Forces in activities within the competence of civil authorities is possible only at the request of these authorities and with the consent of the President of the Republic, provided that the Serbian Armed Forces may be deployed only to assist in protecting the lives and safety of persons and property, in ensuring environmental protection or for other reasons determined by the law, while the use of the Serbian Armed Forces outside the borders of the Republic of Serbia shall be regulated by the law.

Pursuant to the Law on the Serbian Armed Forces, Article 13, paragraph 1, sub-paragraphs 1-7, and paragraphs 2 and 3 of the same Article, , when performing his/her service, a Serbian Armed Forces member shall be obliged to:

1. act in accordance with the Constitution, law, other regulations and commanding acts, rules of profession, in an unbiased and politically neutral manner;
2. not to display political party and other political emblems and express his/her political beliefs;
3. obey orders, i.e. follow instructions of his/her superior officers related to service, or orders and instructions issued by a senior officer in the absence of his/her superior officer when it is necessary to undertake urgent measures for the discharge of urgent and important service tasks, except for orders the obeying of which would imply a criminal act;

4. if he/she receives an order, the obeying of which would mean a violation of the law, he/she shall demand that the officer who issued such an order should do so in writing;
5. refuse to obey the repeated order or instruction of his/her superior officer or a senior officer if obeying it would imply a criminal act;
6. immediately inform the person superior to the one issuing the repeated illegal order or command, or another competent person;
7. act in accordance with the Service Regulations of the Serbian Armed Forces and the Code of Honour of the Serbian Armed Forces personnel;

No one shall exercise influence on the Serbian Armed Forces personnel to do something or fail to do something contrary to regulations. It is forbidden to favour or deprive a Serbian Armed Forces member of his/her rights and duties especially on the basis of his/her race, religion, gender or nationality, background or any other personal feature. The Code of Honour of SAF members (Official Gazette of the Republic of Serbia, No. 29/10) have been enacted. Failure to comply with these duties is subject to criminal, penal, disciplinary and material accountability, which is regulated by Articles 143-180 of the Law on the Serbian Armed Forces.

Activities and engagement of the Serbian Armed Forces are under democratic and civil control. Democratic and civil control of the Serbian Armed Forces especially includes control of the use and development of the Serbian Armed Forces, internal and external control of expenditures to cater to the needs of the military, monitoring of the conditions in the Serbian Armed Forces, and keeping the public informed on the state of the Serbian Armed Forces preparations, enabling free access to information of public importance and definition of responsibilities for the performance of military duties in accordance with the law. Democratic and civil control of the Serbian Armed Forces shall be exercised by the National Assembly, the Ombudsman and other state bodies in accordance with their competences, by the citizens and the public. Regulations on the Ombudsman pertaining to the protection and exercise of civil rights apply also to the professional members of the Serbian Armed Forces.

- 4.4 What has been done to provide for the individual service member's exercise of his or her civil rights and how does your State ensure that the country's armed forces are politically neutral?

Protection of the Rights of the Serbian Armed Forces members

Article 29, paragraph 3, of the Law on the Serbian Armed Forces stipulates that the regulations on the Ombudsman pertaining to the protection and the exercise of civil rights directly apply to professional members of the Serbian Armed Forces as well.

In order to exercise freedom of religion in the Serbian Armed Forces, the Chaplain's Service is organized (Article 25 of the Law on Serbian Armed Forces).

Participation of the Serbian Armed Forces personnel in union-like groups shall be in accordance with the Military Service Rules. Superiors are obliged to protect their subordinates' interests at all levels and through the chain of command reporting on all common problems they have been informed of. Professional Serbian Armed Forces personnel shall not be entitled to the right to go on strike (Article 14, paragraphs 3 through 5, of the Law on the Serbian Armed Forces). Member of professional Serbian Armed Forces may with prior Defence Minister's consent be allowed to take part in the activities of associations through which the following goals are achieved: defence

reform and the reform of the Serbian Armed Forces, harmonisation of regulations with generally accepted standards and regulations of the European Union, drafting of the Defence Strategy and the Military Doctrine of the Serbian Armed Forces stipulating composition, organisation and formation of the Serbian Armed Forces; operational and functional capability, deployment and manning of the Serbian Armed Forces; preparedness and mobilisation; weapons and equipment; command and management of the Serbian Armed Forces and the defence system management; participation in multinational operations and internal relations in the Serbian Armed Forces. (Article 14 of the Law on Serbian Armed Forces).

A serviceperson may receive and wear a medal awarded by a foreign country or an international organisation following the approval from the President of the Republic of Serbia. A request for the approval shall be submitted through the Ministry of Defence. A serviceperson may become a member of a foreign expert association or an international organization with the consent of the Defence Minister or a person authorized by him/her. (Article 50, paragraph 3, of the Law on Serbian Armed Forces).

Prohibition of Political Activities

Military personnel are forbidden to attend political party rallies in their uniform and to be engaged in any other political activity except for their active right to vote. A professional serviceperson of the Serbian Armed Forces, a student or cadet of military education facilities and personnel attending other CO or NCO training courses cannot be members of a political party. (Article 14, paragraphs 1 and 2, of the Law on the Serbian Armed Forces).

Military personnel are obliged to wear uniform in accordance with the service regulations. Following the proposal of the Defence Minister, the President of the Republic regulates the appearance of the military uniform and rank insignia. Persons who are servicemen/servicewomen shall not be allowed to wear military uniform bearing the Serbian Armed Forces insignia, ranks and titles, except for cases when they have a special approval from the Defence Minister. (Article 48 of the Law on the Serbian Armed Forces).

Article 2, paragraph 4, of the Law on Defence stipulates that the defence of the Republic of Serbia is implemented autonomously and may also be implemented in coordination with other countries and international security organizations within the institutions of the systems of national, regional and global security.

4.5 How does your State ensure that its defence policy and doctrine are consistent with international law?

The planning and the engagement of the Serbian Armed Forces in peacetime, in a state of emergency and in wartime rest on the regulations of the national legislation, international treaties and agreements/arrangements, the customs in the field of international humanitarian law, the international acts on the armed conflict and on international humanitarian law and principles of the engagement of the Serbian Armed Forces. The decision makers at all levels in the Serbian Armed Forces are required to respect and observe the provisions of international humanitarian law.

Article 139 of the Constitution of the Republic of Serbia provides that the Serbian Armed Forces defends the country against external armed threats and performs other missions and tasks in compliance with the Constitution, the law and the principles of international law regulating the use of force.

Article 16 of the Constitution of the Republic of Serbia stipulates that the foreign policy of the Republic of Serbia rests on the generally recognised principles and rules of international law. The generally accepted rules of international law and the ratified international treaties constitute an integral part of the legal order of the Republic of Serbia and are consistently implemented. The said Article also emphasises that the ratified international treaties must be in compliance with the Constitution of the Republic of Serbia.

Article 3 of the Law on Defence stipulates that in the field of defence, the Republic of Serbia cooperates with other nations, and with international organisations and the institutions of the national, regional and global security systems in building and preserving the peace in the world, and it fulfils the commitments arising from its membership in the United Nations and from ratified international treaties.

Article 4, paragraph 23), of the Law on Defence provides that multinational operations are activities that are undertaken within the collective security system and within the collective defence system in accordance with international law and ratified international treaties. The deployment of the Serbian Armed Forces outside the borders of the Republic of Serbia is regulated by the Law on the Deployment of the Serbian Armed Forces and Other Defence Forces in Multinational Operations Abroad. Article 5, paragraph 4), of the Law on Defence stipulates that the defence of the country is ensured, *inter alia*, by participating in multinational operations as well.

Article 8 of the Law on Defence stipulates that "At any given time and under any circumstances when performing combat and non-combat operations, the personnel of the Serbian Armed Forces and other defence forces shall have to stick to the rules of the international war and humanitarian law with regard to the treatment of prisoners of war and the wounded and to the protection of population, and other rules defined by the said law and the international standards concerning the use of force, in accordance with the Constitution, law and the ratified international agreements.

A member of the Serbian Armed Forces and other defence forces has the right to refuse to obey an order that will make him/her act contrary to the Constitution, law and the rules of international humanitarian law.

Article 13, paragraph 3, of the Law on Defence stipulates that "during the state of war or emergency, the Government of Serbia implements the resolutions passed by the National Assembly and the President of the Republic to undertake measures for fulfilment of international obligations pertaining to the treatment of the prisoners of war, foreign citizens and their property" .

The procedure for the development and approval of the content of the Serbian Armed Forces Doctrine implies that it passes different levels and undergoes various types of control and harmonisation with the provisions of the aforementioned regulations. The Doctrine is, in addition, harmonised with the provisions of International Humanitarian Law.

The provisions of International Humanitarian Law form an integral part of the Serbian Armed Forces doctrine, and doctrines of the Services, and rules arising from the employment of these doctrines to the use of the Armed Forces in various operations. The contents of the Doctrine of the Serbian Armed Forces at all levels of organisation and use of the Armed Forces in operations include standard principles, policies, procedures, guidelines, in accordance with international humanitarian law, during the planning, preparation and conduct of operations in peacetime, state of emergency and state of war.

The engagement of the Serbian Armed Forces in operations is defined by the rules of engagement. Rules of engagement of the Serbian Armed Forces contain how the rules of international humanitarian law and procedures are applied in the process of planning and conduct of operations and their commanding.

As a UN Member State, the Republic of Serbia affirms its readiness to fulfil the commitments arising from the UN Charter which are regulated by international legal instruments in the field of human rights and by other ratified international treaties and agreements/arrangements. The Republic of Serbia is committed to employ its defence potentials on the basis of the Constitution, the UN Charter and the principles of international law governing the use of force.

Section III: Public access and contact information

1. Public access

1.1 How is the public informed about the provisions of the Code of Conduct?

Article 75 of the Law on Defence provides that the legal entities in the field of public information, electronic and print media while performing their regular activities are obliged to timely and truthfully inform the public in wartime or a state of emergency in accordance with the act and regulations on public information.

The Ministry of Defence and the governmental bodies are obliged to make available to the public all information and data of public interest in the field of defence in accordance with the act and regulations on free access to information of public significance.

The legal entities under paragraph 1 of this Article are obliged to convey urgent announcements of the governmental bodies regarding defence.

The provision of Article 125 of the Law on Defence stipulates that for the purpose of informing the public about the legal changes in the field of defence and within the Serbian Armed Forces and other acts regarding the security of the country, international defence and military cooperation, the Ministry of Defence publishes public information containing a list of acts and explanations on the legal changes twice a year. The first information is to be published by the Ministry of Defence within a six-month period as of the date of the entry into force of the said Law. The Ministry of Defence has regularly released such public information in June and December in accordance with the Law since June 2008.

Article 30 of the Law on the Armed Forces specifies that the Minister of Defence regulates how the public is informed about the activities of the Serbian Armed Forces. The Minister has issued a Directive on informing the public on the work of the Ministry of Defence and the activities of the Serbian Armed Forces (Official Military Gazette, No. 30/15).

1.2 What additional information related to the Code of Conduct, e.g., replies to the Questionnaire on the Code of Conduct, is made publicly available in your State?

1.3 How does your State ensure public access to information related to your State's armed forces?

The Public Relations Department of the Ministry of Defence is responsible for informing the public about the work of the Ministry of Defence and the activities of the Serbian Armed Forces by: providing the answers to journalists' questions and meeting the requests for the provision of information to the media and the citizens by telephone and via e-mail; organising press/media briefings and conferences; releasing statements and notifications; arranging the interviews and appearances of the MoD employees and the SAF members in the media; holding meetings, conferences and seminars; issuing publications, advertisements, information papers; organising special events for the media and the public (the Open Day, the Serbian Armed Forces Day, the Air Show, exhibitions, etc.); organising visits to the institutions, commands and units of the Serbian Armed Forces, ensuring the presence of journalists at military exercises, editing the websites of the Ministry of Defence and the Serbian Armed Forces, www.mod.gov.rs, and the magazine "Odbrana" (Defence).

There is a specific decision in the Ministry of Defence and Serbian Armed Forces identifying the persons designated to process the requests for free access to information of public significance.

2. Contact information

2.1 Provide information on the national point of contact for the implementation of the Code of Conduct.

Ministry of Foreign Affairs of the Republic of Serbia
Department for OSCE and CoE
Kneza Miloša 24-26, 11000 Belgrade, Serbia
Tel.: + 381 11 306 8502, Fax: + 381 11 306 8136

Implementation of UNSCR 1325 “Women, Peace and Security” in the MoD and SAF

Background

Recognising the importance of the compliance with the principles of gender equality, on 23 December 2010, the Government of the Republic of Serbia adopted the National Action Plan for the Implementation of the UNSC Resolution 1325 – Women, peace and security in the Republic of Serbia (2010-2015) (Official Gazette of the Republic of Serbia, No. 102/10). In producing a draft of this document, the Working Team of the Ministry of Defence had a coordinating role, providing expertise, administrative and technical support to the interdepartmental Working Group of the Government comprising representatives from eleven Ministries.

Following the decision of the Government of the Republic of Serbia, the institutional bodies have been established: the Political Council and the Interdepartmental Coordination Body for the NAP Implementation. The bodies are tasked to consider the issues pertaining to the implementation of NAP, evaluate the progress and/or perform operational activities related to the achievement of the goals and tasks that NAP envisages, and to submit reports to the competent authorities. The Ministry of Defence has been designated to provide expert, administrative and technical support for the work of the Political Council, and the Ministry of the Interior has been designated to provide expert, administrative and technical support for the work of the Interdepartmental Coordination Body for the NAP Implementation.

The Commission entrusted with the task of monitoring the implementation of NAP and of UNSCR 1325 – Women, Peace and Security in the Republic of Serbia (2010-2015), has been formed as a steering body of the National Assembly for the NAP implementation. Independent monitoring throughout the period of the implementation of the said document is carried out by representatives of the non-governmental sector, academia and the media.

Progress made so far in fulfilling the National Action Plan (NAP) for the Implementation of UNSC Resolution 1325 – Women, peace and security in the Republic of Serbia (2010-2015) within the areas of activity of the Ministry of Defence and the Serbian Armed Forces

Pursuant to the Defence Minister’s Decision on the performance of actions within the areas of activity of the MoD and the SAF as defined in the NAP for the Implementation of the UN SC Resolution 1325 – Women, peace and security in the Republic of Serbia (2010-2015), the Ministry of Defence has commenced the implementation of the activities provided for by the aforementioned document.

There are annual plans for the activities of the MoD and the SAF on the implementation of the NAP for the Implementation of UNSC Resolution 1325 – Women, peace and security in the Republic of Serbia. All tasks related to the conduct of the activities under NAP clearly indicate the responsibilities of the gender focal points and their associates and what is expected from them in the performance thereof.

The said plans included seven thematic areas contained in the NAP:

- building and operation of institutionalised bodies and mechanisms of gender equality for the implementation of NAP in the MoD and the SAF;
- increasing the representation of women in the MoD and the SAF and their influence when it comes to the issues pertaining to the position of women, peace and security;
- increasing the participation and influence of women in decision making on defence and security;
- increasing the participation of women from the MoD and the SAF in conflict resolution, post-conflict situations and augmented participation in multinational operations;
- using the instruments of legal protection for women and girls;
- education and advancement studies/courses for the members of the MoD and the SAF in the spirit of UNSC Resolution 1325; and
- providing media support for the National Action Plan goals in the MoD and the SAF.

As for the implementation of UNSC Resolution 1325, the members of the MoD and the SAF were directly involved in the process of research, development, harmonisation, public hearing and adoption of the NAP. They have participated in roundtable discussions, seminars and other expert gatherings held in the Republic of Serbia and in international and regional conferences dedicated to gender issues, actively promoting the NAP goals and the recommendations under UNSC Resolution 1325 regarding the role of a woman as an active actor in promoting stability and security.

All institutional bodies and gender equality mechanisms envisaged by NAP have been established in the MoD and SAF. Particularly prominent is the dynamic and comprehensive work of the Political Council of the Government for the implementation of NAP, which is supported by the Ministry of Defence in terms of expertise and administrative and technical support, and which is chaired by the State Secretary of the Ministry of Defence. Also significant are the activities of the Analytical Group of the MoD and SAF, authorised individual for dispatching the duties of the Gender Equality Adviser to the Minister of Defence, and the instructors for gender equality.

In addition, the gender equality mechanism called “A trustworthy person” has been established and the training of a large number of persons designated to perform such duties was conducted in organizational units of the MoD and SAF. With the support of the UN Entity for Gender Equality and Empowerment of Women - “UN Women” and in cooperation with the Commissioner for Gender Equality, a handbook for the employed within the security sector of the Republic of Serbia titled “Trustworthy Persons” was produced and thereafter distributed among the persons designated to perform such duties in the Ministry of Defence and the Serbian Armed Forces.

In implementing the NAP, the MoD has established close cooperation with the UNDP, the UN organization for Gender Equality and Empowerment of Women – “UN Women”, the OSCE Mission to Serbia, NATO and the relevant civil society organisations, and with the respective states that have expressed their interest in supporting the MoD activities.

In 2013, the Ministry of Defence signed another Memorandum of Understanding with the UN Women. In cooperation with the UN Women different activities were carried out, among which the most significant ones are those related to the education of male/female members of the Analytical Group of the Ministry of Defence and the Serbian Armed Forces, “Trustworthy persons” and male/female Gender Equality Advisors to the commanders of national contingents in multinational operations. In the year 2013, *the UN Women* completed the project “Enhancement of the Implementation of UNSCR 1325 – Women, Peace and Security – in the Western Balkans”.

The OSCE Mission to Serbia financed the printing of the NAP, and has organised a cycle of seminars on “Gender Mainstreaming in the Security Sector Reform” also attended by the MoD and SAF representatives, and in 2015, given the completion of the NAP implementation, it participated in an external evaluation of the NAP implementation in the Republic of Serbia.

Together with the Ministry of Defence of the Republic of Serbia, the OSCE mission in Serbia participated in the organisation of the “Workshop on the implementation of the Code of Conduct in politico-military aspects of security” held in March 2014, as well as joint Serbia-Switzerland “Workshop on the implementation of the Code of Conduct in politico-military aspects of security” held in October 2015 in Belgrade, during which the representatives of the MoD of the Republic of Serbia presented the results achieved in the implementation of UNSC Resolution 1325.

In the framework of its cooperation with NATO, the Republic of Serbia as a member state of the NATO Partnership for Peace Programme, has adopted “Gender Perspectives” as one of the Partnership goals in the framework of PARP mechanism. Representatives of the MoD and the SAF participate in the annual meetings of the NATO Committee on Gender Perspectives (NCGP).

Since the year 2012, the Ministry of Defence of the Republic of Serbia, together with the respective ministries of defence of Bosnia and Herzegovina, Montenegro and Macedonia, has been involved in the regional project “Support for the Gender Mainstreaming in the Security Sector Reform in the Western Balkans” being conducted by the UNDP/SEESAC with the aim of integrating the gender issue in the security sector reform, thus contributing to a greater efficiency of the security sector. Within this project, which is planned to end in June 2016, activities in the form of regional meetings of representatives of the Gender Perspectives mechanisms, expert-level discussions, workshops and study trips of representatives from the said ministries are carried out with a view to exchanging experiences on gender-related issues, then regional gender equality instructors’ training and seminars on gender equality for cadets, pupils of Military Grammar School and teachers, and the regional study titled “Position of women in the armed forces of the Western Balkan countries” has been developed and published.

In order to achieve a higher level of gender equality among the members of the MoD and SAF and to overcome gender stereotypes, the curricula of military-educational institutions at all levels (Military Grammar School, Military Academy, Command and Staff Course and General Staff Course) have been adapted through topics addressing the gender issues. Particularly important are the topics related to the implementation of international humanitarian law in terms of protection of women and girls against violence in conflict and post-conflict situations, which are an integral part of training of the MoD and SAF members for participation in UN multinational operations. In addition, the courses for the participation in multinational operations to be carried out at the SAF GS JOC Peacekeeping Operations Centre further include gender-sensitive

issues, with workshops organized to introduce the participants to gender mainstreaming in the security sector reform. Also, since the year 2011, at the SAF JOC Peacekeeping Operations Centre, in cooperation with the UN Women, a course has been conducted, aimed at training for the duties of male/female advisers to the commanders of national contingents in multinational operations, in accordance with the UN, EU and NATO standards, to ensure the gender mainstreaming in the process of planning and execution of tasks and activities in multinational operations.

Bearing in mind that the Serbian Armed Forces has been professional since 1 January 2011, the females interested in getting employed as professional soldiers apply to notices under equal terms as male applicants. The total number of admitted females depends on their interests, the needs of units, as well as meeting the criteria announced in the notice. There is an upward trend in the number of females interested in enrolling on the Military Academy and the Medical Faculty of the Military Medical Academy, and since the academic year 2014/2015 it has been possible for girls to attend the Military Grammar School as well.

Considerable attention is paid to the training of females in the Serbian Armed Forces and full equality is ensured in terms of the choice of assignment and training. By introducing the voluntary military service, men and women are completely equal in terms of training for initial duties. The training is carried out in training centres according to a single training programme. The only difference is in the standards for physical fitness tests that are tailored to the physical abilities of females.

Training on gender issues for the members of future peacekeeping force is conducted in accordance with the UN training materials for peacekeeping missions⁴, UN Directive⁵, the publication of the Department for Peacekeeping Operations - DPKO⁶, a set of manuals on gender issues⁷ and other relevant documents such as NATO doctrine⁸, the UN Convention on Elimination of All Forms of Discrimination against Women⁹, the Optional Protocol to the Convention on Elimination of all Forms of Discrimination against Women¹⁰, the Beijing Declaration and Platform for Action, adopted at the Fourth World Conference on Women, 1995, the International Covenant on Civil and Political Rights, the Optional Protocol to the International Covenant on Civil and Political Rights¹¹, the Declaration on equality between female and male as a fundamental criterion of democracy, and Handbook on CSDP, Gender and SSR, EU SSR European Security and Defence College.

In addition to the standards contained in the "Basic standardized module of the United Nations for Training in multinational operations", the training also incorporates similar standards of the EU, OSCE and the Council of Europe, as well as standards of conduct towards the civilians in war and peace (women, children and elderly people), prisoners, etc. arising from the Geneva Conventions and additional protocols and other international political and legal acts signed and ratified by the Republic of Serbia.

In addition to the aforementioned, activities focusing on the promotion of the military profession among girls and women including *inter alia* by the media promotion of the gender equality issue on the respective web sites of the Ministry of Defence and the

⁴ Core Pre-deployment Training Material

⁵ Gender Equality in Peacekeeping Operations

⁶ Gender Resource Package for Peacekeeping Operations

⁷ Set of manuals on gender issues and reform of security sector translated for the use in the Western Balkan region - DCAF

⁸ Allied Joint Doctrine for Non-article 5, Crisis Response Operations AJP-3.4 (a)

⁹ Official Gazette of SFRY – International Agreements, No. 11/81

¹⁰ Official Gazette of SRY – International Agreements, No. 13/02

¹¹ Official Gazette of SRY – International Agreements, No. 4/01

Serbian Armed Forces are being carried out. The journalists of “*Odbrana*” journal and the cameramen of the Military Filming Centre “*Zastava film*” have covered a series of roundtables, conferences and other activities intended for promoting the importance of gender equality within the Ministry of Defence and the Serbian Armed Forces. The media campaigns organised for the admission and promotion of females in the MoD and the Serbian Armed Forces have to a large extent contributed to the increase in the share of females among the cadets at the Military Academy and the Medical Faculty, MMA, University of Defence, and within the category of professional soldiers.

The contribution of the National Action Plan for the implementation of United Nations Security Council Resolution 1325 – Women, Peace and Security in the Republic of Serbia (2010-2015)

The Republic of Serbia, as a European Union candidate country, recognizing the fact that on several occasions, the European Commission and the Council of Europe in their decisions and documents, have underlined the importance of equal participation of men and women in conflict prevention and resolution and in promoting the culture of lasting and sustainable peace, in order to achieve standards of gender equality existing in the developed countries, especially the standards of the European Union, adopted a number of normative, strategic and planning documents including protection of women, non-discrimination and gender equality, starting with the Constitution, through special legislation, to the National Strategy for Gender Equality for the period 2016-2020 with the Action Plan for its implementation, recently adopted by the Government of the Republic of Serbia.

In this context, development and implementation of the NAP for the implementation of UNSCR 1325 represents a significant contribution to the reform of the defence and national security system as a whole in the Republic of Serbia, through the incorporation of international standards, especially standards of the UN, EU and OSCE into the national legislation and strategic and planning documents. In this regard, there has been recognized the possibility of better and more efficient use of human resources for a more effective response to crisis and post-crisis situations, as well as proposals of NGO sector aimed at enhancement of the position of female in society. The result of such an open approach to the problem is the synergy of representatives of state institutions, NGOs and international organizations, owing to which significant results have been achieved in NAP implementation in the entire defence sector in the Republic of Serbia, including the Ministry of Defence and the Serbian Armed Forces.

Another important contribution of NAP is the establishment of new policies, plans, educational and media material and institutional mechanisms for the implementation of NAP, as well as mechanisms for gender equality in the defence and security system, such as: trustworthy persons, male/female advisors for gender equality to the Minister, male/female advisors for gender equality to commanders of national contingents in multinational operations, analytical groups and research teams, as well as gender responsive budgeting, which represent the standards in the security systems of the developed countries, especially the EU members.

In this way the Republic of Serbia ranked among those countries which apply the standards and recommendations of the UN, EU and the OSCE in this field.

Having in mind that the implementation period for the current NAP expired in 2015, the Political Council, as the highest institutional body of the Government, supported by the Ministry of Defence in terms of expert and administrative and technical support,

initiated the development of National Action Plan for the Implementation of UNSC Resolution 1325 – Women, Peace and Stability in the Republic of Serbia (2016-2020), which will be implemented in the period from 2016 to 2020. To that end, an internal and external evaluation of the NAP implementation has been conducted. A new draft document is currently being developed by the Working Group of the Government. The role of coordinator in the multi-sectoral Working Group of the Government is given to the Ministry of Defence of the Republic of Serbia.