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

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**Note Verbale**

The Permanent Mission of the Republic of Serbia to the OSCE and other International Organizations in Vienna 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 and other International Organizations 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, 18 June 2020



All Missions/Delegations to the OSCE  
The Conflict Prevention Centre

**REPUBLIC OF SERBIA**



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

June 2020

**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;
- Convention on offences and Certain other Acts Committed on Board Aircraft, signed in Tokyo, on 14th September 1963,
- Convention for the Suppression of Unlawful Seizure of Aircraft, signed in the Hague, in December 1970,
- Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed in Montreal, on 23rd September 1971,
- Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against Safety of Civil Aviation signed in Montreal, on 24th February 1988,
- Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons, including Diplomatic Agents, passed by the United Nations General Assembly on 14th December 1973,
- International Convention against Taking of Hostages, passed by the United Nations General Assembly on 17th December 1979,
- Convention on the Physical Protection of Nuclear Material, signed in Vienna, on 3rd March 1980,
- International Convention for the Suppression of Terrorist Bombing, passed by the United Nations General Assembly on 15th December 1997,
- International Convention for the Suppression of the Financing of Terrorism, passed by the United Nations General Assembly on 9th December 1999,
- Convention for the Suppression of Unlawful Acts against Safety of Maritime Navigation, in Rome, on 10th March 1988,
- Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms on the Continental Shelf, in Rome, on 10th March 1988,
- European Convention on the Suppression of terrorism, passed in Strasbourg, on 27th January 1977.

B) Agreements/arrangements related to regional, 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;

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 ;

- Protocol on Enhanced Trilateral Cooperation in Combating Crime and Especially Trans-Border Crime (Serbia, Romania and Bulgaria).

- Convention of the Southeast European Law Enforcement Centre, Official Gazette of the Republic of Serbia (Albania, Bosnia and Herzegovina, Serbia, Hungary, Moldova, Romania, Turkey, Greece, Macedonia, Montenegro, Bulgaria).

- CoE Convention on the Prevention of Terrorism (2003);

- 2014 Agreement on Operational and Strategic Co-operation between the Republic of Serbia and European Police Office.
- Update of the Agreement on Operational and Strategic Co-operation between the Republic of Serbia and European Police Office was signed in November of 2018 by exchange of letters and ratified in Parliament on 14 November 2019.
- 2006 Police Cooperation Convention for Southeast Europe (Albania, Bosnia and Herzegovina, Macedonia, Moldova, Romania, Bulgaria, Serbia, Montenegro),
- Memorandum of Understanding concerning cooperation in fighting corruption through the South Eastern European Anti-Corruption Initiative and Protocol amending the Memorandum of Understanding concerning cooperation in fighting corruption through the South Eastern European Anti-Corruption Initiative were ratified on the 29<sup>th</sup> of February 2020 (*“Official Gazette of the RS”*, no. 4/20 (MU)).
- Cooperation Agreement between the Republic of Serbia and EUROJUST was signed on 12 November 2019 and ratified in Parliament on 9 December 2019 (*“Official Gazette of the RS,”* no. 14/19 (MU)).
- Agreement between the parties to the Police Cooperation Convention for South East Europe on the automated exchange of DNA data, dactyloscopic data and vehicle registration data with the Implementing Agreement, signed on 13 September 2018 and ratified in Parliament on 7 December 2018.
- Memorandum of Understanding with Regional Anti-Corruption Initiative concerning regional cooperation in fighting corruption dated 2007 and Protocol amending MoU were both signed in 2010 and 2013 respectively. Ratification process is currently underway.

The Republic of Serbia has concluded the following 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, Azerbaijan, Belarus, Kazakhstan, Lithuania, Poland, Finland, Czech Republic, Spain, United Arab Emirates, United States of America 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, neighboring countries and other countries from the region during 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 organized 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).

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

By ratifying the said international agreements, they have all been integrated into the internal legal order of the Republic of Serbia.

The Ministry of Justice of the Republic of Serbia is dedicated to put in place necessary measures to effectively prevent and combat terrorism. Typically individuals and groups involved in terrorist acts utilise specialist criminals and criminal groups / networks and engage in common crimes themselves, with an aim to obtain goods and services for funding their terrorist operations. In order to be able to proactively investigate and prosecute these crimes Serbia has signed and ratified a number of agreements and arrangements at universal, regional, sub-regional and bilateral level. Since the previous reporting period the Ministry of Justice concluded the following bilateral agreements:

- Agreement between the Republic of Serbia and the Republic of Italy on facilitating the implementation of the European Convention on Mutual Legal Assistance in Criminal Matters of 20 April 1959 (signed in February 2017, ratified in September 2018 and in application since September 4<sup>th</sup>, 2019);
- Agreement between the Republic of Serbia and the Republic of Italy on facilitating the implementation of the European Convention on Extradition of 13 December 1957 (signed in February 2017, ratified in September 2018 and in application since September 4<sup>th</sup>, 2019);
- Agreement between the Republic of Serbia and the Republic of Kazakhstan on Mutual Legal Assistance in Criminal Matters (signed in 2016, ratified in September 2018. Agreement entered into force in October 2018);
- Agreement between the Republic of Serbia and the Republic of Kazakhstan on the Extradition (signed in 2016, ratified in September 2018. Agreement entered into force in October 2018);
- Agreement between the Republic of Serbia and the Republic of Kazakhstan on the transfer of sentenced persons (signed in 2016, ratified in September 2018. Agreement entered into force in October 2018);
- The Law on ratification of the Agreement between the Republic of Serbia and the Republic of Turkey on extradition - Agreement entered into force on March 1<sup>st</sup>, 2020;
- The Law on ratification of the Agreement between the Republic of Serbia and the Republic of Turkey on Mutual Legal Assistance in Criminal Matters - Agreement entered into force on 3<sup>rd</sup> May 2018;
- Agreement on extradition between the Republic of Serbia and the United States of America 2016 –ratified on 14 February 2019 (“*Official Gazette of the RS*,” no. 2/19 (MU) and in application since April 23<sup>rd</sup>, 2019);
- Treaty between the Republic of Serbia and the Republic of Argentina on legal assistance in criminal matters (signed on October 14<sup>th</sup>, 2019);
- Treaty between the Republic of Serbia and the Republic of Argentina on transfer of sentenced person (signed on October 14<sup>th</sup>, 2019);
- Treaty between the Republic of Serbia and the Republic of Argentina on extradition (signed on October 14<sup>th</sup>, 2019);
- Agreement between the Republic of Serbia and the Republic of Belarus on extradition (signed on December 3<sup>rd</sup>, 2019).

Please see an exhaustive list of concluded bilateral agreements in the area of mutual legal assistance in criminal matters available at the official website of the Ministry of Justice.



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 form an integral part of the internal legal order of the Republic of Serbia.

Article 16 (2) and (3) of the Constitution of the Republic of Serbia (Official Gazette of the Republic of Serbia, No. 98/2006) 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.

**As stated, the legal basis for the anti-terrorist action is contained in the national legislation as follows:**

- 1) The Law on Defence (*Official Gazette of the RS*, Nos. 116/07, 88/09-as amended, 104/2009-as amended, and 10/15)
- 2) The Law on the Serbian Armed Forces (*Official Gazette of the RS*, Nos. 116/07, 88/09.101, 2010/09-as amended and 10/15),
- 3) The 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 RS*, No. 88/2009)
- 4) The Law on Foundations for the Regulation of Security Services of the Republic of Serbia (*Official Gazette of the RS* Nos. 116/07 and 72/12),
- 5) The Law on Military Security Agency and Military Intelligence Agency (*Official Gazette of the RS* Nos. 88/09, 55/12-Constitutional Court and 17/13),
- 6) The Law on Military Security Agency and Military Intelligence Agency (*Official Gazette of the RS* Nos. 42/02, 111/09, 65/14 – Constitutional Court Decision and 66/14),
- 7) Law on Police (*Official Gazette of the RS* Nos. 6/2016, 24/2018 and 87/2018),
- 8) Law on the Prevention of Money Laundering and the Financing of Terrorism (AML/CFT Law), *Official Gazette of RS*, 113/17 **and 91/19**),;
- 9) The Law on Organisation and Competence of State Authorities in Combating Organised Crime, Terrorism and Corruption (*Official Gazette of the RS* Nos. 94/16 and 87/2018 – other law)
- 10) The Law on International Legal Assistance in Criminal Matters (*Official Gazette of the RS* No. 20/09),
- 11) The Law on the Execution of the Prison Sentence for Criminal Offences of Organised Crime (*Official Gazette of the RS* No. 72/09 and 101/10),
- 12) The Law on Organisation and Competence of State Authorities in Combating High Technology Crime (*Official Gazette of the RS* No. 67/03, 135/04, 61/05, 101/07, 104/09 and 101/11),
- 13) The Law on Assumption of Jurisdiction of Military Courts, Military Prosecution and Judge Advocate General (*Official Gazette of the RS* No. 137/04).
- 14) The Criminal Procedure Code (*Official Gazette of the RS* Nos. 72/11,101/11,121/12,32/13,45/13 and 55/14)

- 15) The Criminal Code (Official Gazette of the RS, Nos. 85/2005, 88/2005 – correction, 107/2005 – correction, 72/2009, 111/2009, 121/2012, 104/2013, 108/2014, 94/2016 and 35/2019),
- 16) The Law on the Seizure and Confiscation of Proceeds of Crime Act ("Official Gazette of the RS", Nos. 32/2013, 94/2016 and 35/2019)

In addition to the abovementioned, the following laws are also of great importance to the fight against terrorism: the Law on the Liability of Legal Entities for Criminal Offences, the Law on Seizure and Confiscation of the Proceeds from Crime, **Law on the Freezing of Assets with the Aim to Prevent Terrorism and Proliferation of Weapons of Mass Destruction (Official Gazette of RS, nos. 29/2015, 113/2017 and 41/2018)**, the Law on State Border Protection, the Law on Foreigners, the Law on Asylum and Temporary Protection, the Law on Citizenship, the Law on Foreign Trade in Arms, Military Equipment and Dual-Use Goods, and Law on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction, etc.

Among the acts passed by the Republic of Serbia for the purpose of fulfilling the aforementioned international commitments, we emphasise the Criminal Code of the Republic of Serbia. Specifically, Chapter XXXIV of the Criminal Code entitled *Criminal Offences Against Humanity and Other Rights Guaranteed by International Law* criminalises the offenses of terrorism in full compliance with international standards and undertaken international obligations. Within the scope of the said Chapter, we point out to the following offenses: terrorism, public instigation to commission of the acts of terrorism, recruiting and training for the commission of terrorist acts, the use of a lethal device, the obliteration of and damage to a nuclear facility, imperilling the persons under international protection, financing terrorism and terrorist association (please see art. 391-393 of the Criminal Code). Part of the Chapter XXVI of the Criminal Code is also a direct result of the implementation of the abovementioned Conventions in the domestic law of the Republic of Serbia. We highlight the following criminal acts: endangering air traffic safety by violence; hijacking an aircraft, ship or other means of transport.

In addition to the law, basic political and legal framework for combating terrorism is the National Security Strategy (*Official Gazette of the RS, No 88/09*), the Defence Strategy of the Republic of Serbia (*Official Gazette of the RS, No. 88/09*) and the Serbian Armed Forces Doctrine.

In December 2012, the Law on amendments and changes to the Criminal Code was adopted in order to conform to international and regional conventions. Provisions of the Law related to financing of terrorism and money laundering were changed and sentences pronounced for these criminal offences 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 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 the Prevention of Money Laundering and the Financing of Terrorism (AML/CFI Law), Official Gazette of RS, 113/17 and 91/19),
5. Law on **the Freezing of Assets with the Aim of Preventing Terrorism and Proliferation of Weapons of Mass Destruction** (Official Gazette of the Republic of Serbia, No 29/2015, 113/17 and 41/18 );
6. Law on Organization and Competence of State Authorities in Combating Cybercrime (Official Gazette of the Republic of Serbia, Nos. 61/05 and 104/09),
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 Organized Crime (Official Gazette of the Republic of Serbia, Nos. 72/09 and 101/10).
9. Law on Organization 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 Anti-Corruption Strategy of the Republic of Serbia for the period 2013-2018 (Official Gazette of the Republic of Serbia no. 57/2013) and an accompanying Action Plan, the Financial Investigation Strategy for the period 2015-2016, the National Strategy against Money Laundering and the Financing of Terrorism **for the period 2020-2024** and its Action Plan (adopted on 13 February 2020). **The new National Strategy against Money Laundering and the Financing of Terrorism (AML/CFT Strategy) was adopted by the Government on 13 February 2020 and has not yet been published in the Official Gazette of the Republic of Serbia. The third AML/CFT Strategy builds on the previous two strategies and aims to further develop the AML/CFT system in Serbia in order to face the risks found by the 2018 National ML/TF Risk Assessment exercise in an effective manner, and in order to adopt measures in line with international standards set by the Financial Action Task Force (FATF), which will effectively achieve the set AML/CFT objectives.**

**The Government adopted the National Risk Assessment of Money Laundering and National Risk Assessment of Terrorism Financing on 31 May 2018. The Government established AML/CFT Coordination Body on 12 July 2018 (Official Gazette of RS, no. 54/2018 and 84/2019) and adopted the Action Plan for Implementing the Recommendations from National Risk Assessment of Money Laundering and National Risk Assessment of Terrorism Financing (Official Gazette of RS, no. 55/2018 of 16 July 2018).**

In 2016, the Republic of Serbia adopted the following national legislation in order to facilitate and improve fight against terrorism:

***18. The Law on organization and jurisdiction of state bodies in combating organized crime, terrorism and corruption "Official Gazette of the RS", no. 94/2016 and 87/2018 – other law)***

Primary aim of introducing new legislation in this field is to redefine organisational structure of competent authorities, provide effective coordination mechanisms, and improve mutual cooperation and data exchange between national authorities for the purpose of detecting, prosecuting and hearing cases of corruption and other forms of grievous crimes (including terrorism cases). The law is fully in line with and it implements the **National Strategy against Corruption** for the period covering

2013-2018 and its corresponding Action Plan as well as the **Strategy for Financial investigations 2015-2016**.

It implies the establishment of *task force* units, *liaison officers* and connections between a wide circle of competent government authorities that cooperate and exchange information received, which is then processed by specialised police departments and public prosecution offices, throughout the entire process covering not only the investigation stage, but also gathering evidential material for raising the indictment, including the court proceedings stage until the final judgement is brought. It is worth mentioning that the new Law is fully in line with 40 revised FATF recommendations.

The law consists of nine Chapters, clearly prescribing the pool of criminal offences to which the law is applicable and providing organization and competence of state bodies in combating organized crime and terrorism, organization and competence of state bodies in fighting corruption, financial forensics department, continuous professional training, information on the financial status and the vetting procedures, protection of classified information and transitional and final provisions.

**1. The Criminal Code (Official Gazette of the RS, Nos. 85/2005, 88/2005 – correction, 107/2005 – correction, 72/2009, 111/2009, 121/2012, 104/2013, 108/2014, 94/2016 and 35/2019);**

Criminal legislation of the Republic of Serbia is well regulated and does not lag behind the criminal law of most European countries, however, partial amendments were necessary in order to align national legislation with the *EU Acquis*. As a result, special attention was afforded to, *inter alia*, criminal offences against economic interests, modifying existing provisions, introducing seven new criminal offences and decriminalising three criminal offences. For example, abuse of office offence was modified to provide for a more precise definition stipulating that acquisition of an ‘unlawful gain’ is necessary as opposed to a wide interpretation of ‘any benefit’ previously defined by the Code. New criminal offences include but are not limited to Art. 223 fraud during the course of conducting economic activities, Art. 224 (a) abuse of trust in the course of conducting economic activities and Art. 228 (a) abuse of privatisation process. Article 366 of the Code was also modified to define with greater precision criminal offence of trade in influence.

Article 292 of the Criminal Code was modified, which regulates the crime of endangering safety of air traffic violence, incriminating actions of threats to commit the alleged offense. This amendment is in accordance with Resolution A33-4 of the Assembly of the International Civil Aviation Organization (ICAO), which recommended Member States to adopt regulations to appropriately respond to certain types of unacceptable behaviour in air transport. Hence, Art. 292 reads the following:

*Article 292*

*(Provisions applicable from 1 June 2017)*

*(1) Whoever resorts to violence in an aircraft, by placing or bringing inside the aircraft explosives or other dangerous devices or substances, or by destroying or damaging the navigation device, or causing other damage to the aircraft endangering the safety of air traffic, shall be punished by an imprisonment sentence of two to ten years.*

*(2) If the offense referred to in paragraph 1 of this Article, results in grievous bodily harm of a person or causes substantial damage, the offender shall be punished by imprisonment of two to twelve years.*

*(3) If the offense referred to in paragraph 1 of this Article, results in the death of one or more persons, the offender shall be punished by imprisonment of five to fifteen years.*

*(4) When threatening to commit the act referred to in paragraph 1 of this Article, shall be punished with imprisonment from six months to five years.*

Articles 347 and 348 of the Criminal Code were modified, concerning criminal offences of ‘creating and acquiring arms and other means designed for the execution of the criminal offences’ and ‘unauthorized production, storage / possession, carrying and trade of firearms and explosive material,’ in order to harmonise these offenses with the new Law on Weapons and Ammunition (“Official Gazette, no. 20/15). As a result, penalties for these criminal offences were raised. Penalties for criminal offences of illegal border crossing and smuggling of human beings are also raised.

Additionally, Article 304 (a) was modified in order to ensure better alignment with the Convention on Cybercrime.

For the criminal offense, that is executed after entering into force The Law on Amendments to the Criminal Code (Official Gazette of the RS, No. 35/2019), that is after 1. December 2019, to perpetrator of that criminal offense which was previously convicted the sentence is to be considered by enforcement of provisions of the Articles 8. And 9. of this law, that includes the criminal offenses from Chapter 28. of this law, that is criminal offenses against constitutional arrangement and security of the Republic of Serbia.

**2. *The Law on Amendments to the Seizure and Confiscation of Proceeds of Crime Act "Official Gazette of the RS", no. 32/2013, 94/2016 and 35/2019.***

Considering that, the main reason for and motivation behind most criminal offences is financial gain, which could be used to fund terrorist operations, it is of utmost importance to introduce effective tools to enable permanent seizure of proceeds of crime. Forfeiture of assets that results from a criminal offence supports the rule of law and the moral principle that no one can benefit from a committed criminal offence.

With this in mind, amendments to the law on seizure and confiscation of proceeds of crime were adopted, due to the identified need to rectify certain deficiencies in effectiveness of the judicial proceedings for *temporary* confiscation of assets. i.e complaint as a legal remedy against the court decision is abolished, which decides upon the request of the public prosecutor for temporary confiscation, whereas right to appeal against such decision remains available.

The scope of application of the Law was extended to include criminal offences such as offenses against intellectual property and aggravated murder. Amendments

redefined and introduced new competences of the Financial Investigation Unit [FIU] and the Directorate for the Administration of Seized Assets.

In order to meet international obligations in terms of international cooperation, art. 6 of the Law was modified anticipating the establishment of a specialized Office within the FIU responsible for acting upon international cooperation requests regarding detection and identification of proceeds of crime, aimed at enabling temporary or permanent confiscation.

Another novelty brought by the amendment to the Law, enables confiscation of another asset of equivalent value in case where direct confiscation of proceeds of crime is not available. This greatly resolves practical obstacles previously encountered with in practice.

The Action Plan for Chapter 24, Subchapter 7 - Fight against Terrorism, foresees the development of a **National Strategy for the Prevention and Countering of Terrorism and the Action Plan**. The OSCE provided financial and professional support during the development of strategic documents. The draft strategic documents were sent to the European Commission in July 2017 for an opinion. Comments are considered and integrated into the text. After receiving the opinion from the competent state agencies, the Government adopted the National Strategy and the Action Plan at a session held on 12 October 2017.

National Strategy for the Prevention and Countering of Terrorism for the period 2017-2021, defines the basic and permanent commitments, values and goals of the Republic of Serbia's policy in the field of prevention and fight against terrorism, and establishes a strategic-doctrinal framework for a comprehensive response to this threat, with an emphasis on the prevention of possible attacks with the support and participation of the wider community.

During the development of the Strategy, generally accepted international standards and assumed international legal obligations were used, in particular those established by the UN Charter, the Global Strategy of the UN in the fight against terrorism and the Council of Europe Convention on the Prevention of Terrorism. Also, the Strategy supports the objectives and values of the Counter-Terrorism Strategy of the European Union, as well as other basic international instruments for the fight against terrorism

The documents are based on four principles of the European Union: Prevention, Protection, Prosecution and Response.

Prevention requires a built-in protection system that allows timely identification and reduces the potential causes of radicalization and violent extremism leading to terrorism and at the same time demotivates an individual or group to resort to terrorism or support terrorists in any other way.

Protection from terrorism in terms of this strategy implies a built-in system that regulates procedures and defines the activities and measures of responsible actors, whose application will reduce the threat of a terrorist act, that is, prevent a concrete terrorist attack by spotting and removing weaknesses in the protection system and limiting the individual's ability or groups to commit a terrorist attack.

The criminal prosecution of terrorists implies a built-in system for investigating acts of terrorism and charging those responsible for the commission of a criminal offense of terrorism, that is,

criminal offenses related to terrorist organizations and terrorist activities, which are characterized by equity and efficiency.

The response to the terrorist attack involves the preparation of institutions and systems that provide vital services to citizens, as well as citizens themselves, to manage the consequences and reduce the consequences of a terrorist attack, including the help to the victims of attacks

The Ministry of the Interior has completed the process of drafting a new **Strategy for the Control of Small Arms and Light Weapons** in the Republic of Serbia for the period 2018-2023 as well as the Action Plan for its implementation. The elaboration of this document was preceded by the Evaluation Report of the previous Strategy for the period 2010-2015 and the Action Plan for its implementation, which was presented to the representatives of the Ministry of the Interior who participated in the preparation of this report. The OSCE Mission in Serbia hired an expert who developed the Evaluation Report of the previous strategy. The recommendations from this report are integrated into the text of the new document.

In order to draft this document, for the members of the Special Committee, workshops were organized with the logistical support of the international organization SEESAC, with representatives of the Ministry of the Interior, with expert Lunić Nikola, who was hired by the OSCE Mission in Serbia, and who drafted the Situational Analysis with recommendations, provided expert assistance in drafting this document.

In a broad consultative process, the elements of the Strategy (vision, general goal, specific objectives of the Strategy, and the measures necessary for achieving the objectives) are defined in accordance with EU methodology and good practice in order to continue the efforts to improve national operational capacities (including collection intelligence, analysis and exchange of information), further harmonization of national legislation with relevant EU acquis, establishment of a system for registering confiscated weapons, better exchange of information and securing safe storage and more efficient destruction of confiscated weapons.

During 2018, it is expected that the Strategy for the Control of Small Arms and Light Weapons in the Republic of Serbia will be adopted in 2018-2023, with the corresponding Action Plan 2018 - 2019

Strategy for the Control of Small and Light Arms (2019-2024) with the corresponding Action Plan 2019 – 2020 was adopted in 2019.

### 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?

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

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.



In the Ministry of the Interior, the prevention, detection and clarification of criminal offenses of terrorism, and the detection and apprehension of perpetrators of these offences is under the jurisdiction of the Service for Combating Terrorism within the Criminal Police Directorate. The Service for Combating Terrorism and Extremism includes two Departments (Department for Combating and Prevention of Terrorism and Department for Combating and Prevention of Extremism) and four regional Departments (in Belgrade, Novi Sad, Vranje and Novi Pazar) that cover the entire territory of the country. Department for Combating and Prevention of Terrorism includes: the Section for Combating and Prevention of Terrorism, the Section for Preventing Misuse of Internet and Open Sources and the Section for International Exchange of Operational and Intelligence Data. The Department for Combating and Prevention of Extremism includes: the Section for Prevention of Extremism that Leads to Terrorism and the Section for Combating Extremism that leads to Terrorism. The Ministry of the Interior also includes the Special Anti-Terrorist Unit, which provides assistance to other organizational units of the Ministry of the Interior and state authorities during the execution of tasks related to the suppression of terrorism (deprivation of liberty of the members of terrorist groups, solving hostage situations, securing persons and objects threatened by direct terrorist threats, etc.).

"The Government of the Republic of Serbia, in accordance with the National Strategy for the Prevention and Fight against Terrorism for the period 2017-2021, on April 18, 2019, adopted the Decision on the formation of the National Coordination Body for Preventing and Combating Terrorism ("Official Gazette of RS", nos. 29/19, 38/19, 41/19 and 81/19), which has the task of coordinating the activities on prevention and combating terrorism, radicalism and violent extremism leading to terrorism at the national level, as well as to ensure the effective implementation, monitoring, evaluation and reporting of the implementation of the National Strategy. The permanent members of the National Coordination Body are composed of representatives of the following national bodies: the Ministry of Interior, the Security Information Agency, the Ministry of Defense, the Prosecutor's Office for Organized Crime, the Ministry of Foreign Affairs, the Ministry of Finance, the Republic Public Prosecutor's Office and the Office of the National Security Council and Classified Information Protection. By decision of the Government of the Republic of Serbia in June 2019, for the National Coordinator for Preventing and Combating Terrorism in the Republic of Serbia, police director, general of police, Vladimir Rebic was appointed. For the purpose of exchanging data and coordinating activities related to the fight against terrorism at the operational level, the Operational working group continues its work, in which representatives of the Service for Combating Terrorism (Ministry of Interior), the Security Information Agency and the Prosecutor's Office for Organized Crime participate."

The Ministry of Defence fights against terrorism at political, strategic and doctrinal, normative, security and intelligence, and the Serbian Armed Forces levels. As for the political level, the Ministry of Defence is consistent in implementing the policy of the Republic of Serbia taking numerous actions with a view to establishing and increasing the scope of international cooperation in the area of combating terrorism. At the strategic and doctrinal level, there are the National Security Strategy, the National Defence Strategy of the Republic of Serbia, and the Serbian Armed Forces Doctrine that have been enacted and implemented. Speaking of the normative level, the fight against terrorism rests on the Constitution of the Republic of Serbia, ratified international conventions and treaties, bilateral and multilateral agreements, but also on extensive legislation relevant to this area. As for the security and intelligence level, the Military Security Agency and the Military Intelligence Agency are

structured and their work is based on the provisions of the Law on the Military Security Agency and the Military Intelligence Agency. (*Official Gazette of the RS*, No. 88/2009, 55/2012 (The Constitutional Court Decision), 17/13).

The Military Security Agency (VBA), as an administrative body within the Ministry of Defence, is responsible for the security and counter-intelligence protection of the Ministry of Defence and the Serbian Armed Forces. In fighting terrorism, it is responsible for detecting, tracking and precluding internal and international terrorism, extremism and other forms of organised violence targeted against the Ministry of Defence and the Serbian Armed Forces by taking appropriate counter-terrorist measures in order to reduce the susceptibility and vulnerability of the units' headquarters and of establishments, i.e. their personnel, infrastructure, communication and information systems and other particularly sensitive military targets. In fighting terrorism, the VBA plays a predominantly preventive role consisting of detecting, tracking and precluding terrorist actions targeted against the Ministry of Defence and the Serbian Armed Forces by way of: collecting information with a view to the timely detection of a terrorist threat that may menace the security of the Ministry of Defence and the Serbian Armed Forces; analysing such threats and taking proactive actions to forestall them, and informing the decision makers and relevant governmental bodies so that they may take appropriate measures within their purviews in order to prevent such threats from becoming reality. In the scope of counter-terrorist measures, the VBA is authorised to apply special procedures and measures for undercover collection of information aimed at preventing terrorist acts and in order to detect, investigate and document criminal acts of terrorism falling under their area of responsibility. It is furthermore authorised to apply special evidence hearing procedures and/or special investigation techniques for undercover data collection.

The Military Intelligence Agency (VOA), as an administrative body within the Ministry of Defence, performs intelligence activities relevant to the defence of the Republic of Serbia in the scope of which they collect and analyse (collate), protect and safeguard the data and information regarding potential and actual threats, activities, plans or intentions of groups and individuals related to external terrorist threats targeted at the defence system of the Republic of Serbia. The role of the VOA in the fight against terrorism is of preventive nature exclusively.

Representatives of the VBA and VOA are members

The role of the Serbian Armed Forces is governed by the Constitution and laws enacted on the basis of the Constitution (Law on the Serbian Armed Forces, Law on Defence, Law on Employment of the Serbian Armed Forces and other Defence Forces in Multinational Operations etc.).

According to the said regulations, the Serbian Armed Forces is an organised armed force defending the Republic of Serbia against external armed threats and it performs other missions and tasks in compliance with the Constitution, law and the principles of international law governing the use of force (Article 4 point 5, Article 30 of the Law on Defence and Article 2(1) of the Law on the Serbian Armed Forces).

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 provinces body or local authorities, upon their request in order to protect lives and security of people and property, provide environmental protection or for any other reason stipulated by the Law (Article 2(2) of the Law on the Serbian Armed Forces).

The Serbian Armed Forces exercises its competences 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; of the Law on the Serbian Armed Forces).

The Serbian Armed Forces plays its role in contributing to the combat against terrorism through the third mission of the Serbian Armed Forces – rendering support to civilian authorities in countering threats to security and by way of taking combat counter-terrorist operations.

In addition, by participating in multinational operations abroad, the missions and tasks of the Serbian Armed Forces cover, inter alia, the preservation of national, regional and global security and peace, as well as joint defence operations in compliance with the regulations on defence, and relief operations to eliminate the consequences of international terrorism and larger-scale terrorist attacks.

In combating terrorism, the Military Police, provides, inter alia, anti-terrorist protection for the Ministry of Defence and the Serbian Armed Forces (Article 53(1) of the Law on the Serbian Armed Forces).

Chief of the General Staff of the Serbian Armed Forces, that is, chief of the responsible command of the Serbian Armed Forces, acting upon special authorization by the President of the Republic of Serbia, and for the purpose of protection and rescue of people, material and cultural wealth from natural disasters, technical and technological accidents” and disasters, “consequences of a terrorist act and any other large scale accidents”, may “issue an order to introduce the state of alert measures and engage the parts of the Serbian Armed Forces in remedying harmful consequences resulting from non-military threats to security ( Article 43(3) of the Law on Defence).

Non-military challenges, risks and threats are manifested in the following forms: terrorism, organized crime, corruption, natural disasters, technical-technological accidents and other accidents and threats (Article 4, point 11, of the Law on Defence).

In addition to the institutionalised framework above, the Ministry of Justice, the Ministry of Finances, as well as the judicial bodies (courts and prosecution authorities) provide an extremely significant contribution to the fight against terrorism in their respective areas of responsibility.

We particularly emphasise that setting up any paramilitary organisation is forbidden by Article 55(3) of the Constitution). Pursuant to Articles 33 and 117 of the Law on Defence, any kind of a paramilitary organization and association aimed at execution of defence tasks pertaining to defence of the country shall be forbidden and is subject to criminal liability. The same prohibition is stipulated in Article 2(4) of the Law on Citizens’ Associations” (*Official Gazette of the RS*, No 51/09).

## COORDINATION BODIES

It is undisputable that the first line of the fight against terrorism is a unified security-intelligence system of the Republic of Serbia that was established and shaped by the Law on the Bases Regulating Security Services of the Republic of Serbia (*Official Gazette of the RS*, No. 116/07 and 72/2012) and that consists of the Security Information Agency (BIA) as a separate organisation, Military Security Agency (VBA) and Military Intelligence Agency (VOA) as administrative bodies within the Ministry of Defence.

However, the experiences so far have shown that in order to successfully fight terrorism it requires a constant, systematic and coordinated cooperation of all competent state entities and to that end, several such bodies have been established:

The National Security Council is the central national body of the Republic of Serbia responsible for national security in a way that it considers security issues, coordinates the work of state bodies that make the security sector and deliberates on the measures for the enhancement of national security, guides and harmonises the work of security services. The operational body of the Council is the Coordination Bureau which operationally harmonises the work of security services and executes the conclusions of the National Security Council.

What is particularly important for the fight against terrorism is the work of **AML/CFT Coordination Body, which was established on 12 July 2018 (Official Gazette of RS, no. 54/2018 and 84/2019). The Government of the Republic of Serbia adopted the Decision amending Decision on Coordination Body for the Prevention of Money Laundering and the Financing of Terrorism on 28. November 2019. The Decision provides that the Minister of Finance is chairman and no longer the Deputy Prime Minister and Minister of the Interior, and the work of the National Coordination Body for Preventing and Combating Terrorism, which was established on 12 April 2019 (Official Gazette of RS, no. 29/19, 38/19, 41/19 and 81/19).**

Furthermore, it has been envisaged to set up other permanent and ad-hoc groups, consisting of experts who monitor the state of affairs in this field in order to coordinate the monitoring of the state and work by specific fields, such as the National (interdepartmental) team for chemical, biological, radiological, and nuclear materials, which at the national level deals with the strategy for preventing illegal trade in these materials, which makes a significant segment of the fight against terrorism.

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. Under such circumstances, the Republic of Serbia can be a target for terrorist activities both directly and through the use of its territory for the preparation and perpetration of terrorist activities in other countries.

The Ministry of Justice of the Republic of Serbia is actively involved in cross border legal cooperation via MLA and formally appointed contact points for EUROJUST and European Judicial Network (EJN)<sup>1</sup> that are responsible for facilitating the execution of EUROJUST requests for judicial cooperation by providing necessary information on competent authorities and applicable national legislation, monitoring the execution of requests and upon urgency speeding up the process of handling MLA requests as well as improving the international cooperation of investigations and prosecutions via preparation of agreements for setting up Joint Investigation Teams (JITs) and coordination meetings.

In 2016 and 2017, Serbia had 17 and 28 registered EUROJUST cases respectively and has been involved in operational meetings concerning the work of JITs. It participated in tactical meetings that were aimed at combating terrorism. Nevertheless, none of the registered cases were related to the criminal offence of terrorism or other associated crimes.

Judicial Academy provides specialised continuous trainings to both public prosecutors and judges equipping them with necessary skills and knowledge to effectively deal with cases of organised crime, corruption and terrorism, according to its annual training programme.

Service for Combating Terrorism in Criminal Police Directorate of the Ministry of the Interior of the Republic of Serbia deals with the prevention and fight against terrorist financing. In all cases when terrorism is investigated, in parallel with the pre-investigation actions that are carried out in order to detect, prove and prosecute the possible commission of the criminal offense of Terrorism under Art. 391 of the Criminal Code of the Republic of Serbia, at the same time, pre-investigation activities are being carried out in order to detect, prove and prosecute the possible commission of the criminal offense of Financing Terrorism under Art. 393 CC RS. Security information related to terrorist financing are exchanged at the operational and strategic level, with the involvement of the competent prosecutor in cases related to terrorist financing, from the appearance of intelligence or operational information, through procedural actions, to possible criminal prosecution.

Intensive cooperation is carried out through the international police cooperation organizations Interpol and Europol. Service for Combating Terrorism has made a significant contribution to the implementation of Europol's analytical projects and cases (Lifeline, TFTP and Syrian Wallet), ie to the fight against the financing of the activities of foreign terrorist fighters. A channel for the exchange of internationally operational police data with Europol has been established through CT SIENA, through which operational data on several hundred entities that have been linked to possible terrorist financing have been exchanged so far.

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<sup>1</sup> For further information please see <https://www.cip-crimjust.europa.eu/ejn/EJN-InfoAbout.aspx?Id=364>

From 2018 we have been working on the constant improvement of human resources for the fight against terrorist financing. We are working on timely informing the repressive bodies about the latest financial products, services, especially those that are performed electronically, and the possibilities of their misuse for the purpose of financing terrorism. Work is also being done to prevent the misuse of new technologies for the purpose of financing terrorism. Police officers attended several trainings on the topic of misuse of the Internet and crypto assets for the purpose of financing terrorism. Through constant training, experiences and best practices in work are made available to a wide range of employees, who are engaged in the prevention, detection and prosecution of the crime of terrorist financing. Activities have been undertaken to regulate the provision of alternative money and value transfer services and to strengthen the capacity to detect suspicious or undeclared cash at the border, through training programs and the introduction of more sophisticated control systems.

Service for Combating Terrorism, in cooperation with the Ministry of Finance (Administration for the Prevention of Money Laundering), the Prosecutor's Office for Organized Crime and the Security Information Agency, participated in the development of the Terrorism Financing Typologies in the Republic of Serbia, which indicates the circumstances that may lead to the recognition of situations of transfer of funds aimed at carrying out terrorist activities. Police officers of this Service participate in the work of the Working Group for the control of non-profit organizations, and in the period from 2018, the work of dozens of non-profit organizations was controlled. We are working on a guide on the vulnerabilities of this sector when it comes to the financing of terrorism, based on previous empirical experience.

the National Strategy for the Prevention and Countering of Terrorism for 2017–2021 and the Action Plan is in line with the EU Counter-Terrorism Strategy and defines four priority areas: the prevention of terrorism, violent extremism and radicalization that lead to terrorism; protection, detection and elimination of threats from terrorism and weaknesses in the protection system; prosecuting terrorists, respecting human rights, the rule of law and democracy, and the response of a system in the event of a terrorist attack.

In accordance with the National Strategy and the Action Plan, special attention shall be paid to preventing radicalization, especially of young people, in the coming period, and preventing the development of any kind of extremism at its early stage, through the integrated performance of various competent institutions, religious communities and citizens' associations.

In the period from 2016 to 2018, Service for Combating Terrorism participated in the regional project "First line Practitioners", which was aimed at creating initial conditions for the establishing a network of people who in their daily work directly come into contact with citizens, according to the EU model RAN.

From 2017 in cooperation with the OSCE in Serbia, the project "Supporting prevention of violent extremism and terrorism in Serbia" is being implemented with the aim of strengthening the capacity of the Republic of Serbia to more effectively prevent and suppress violent extremism and radicalization that leads to terrorism, through the improvement of police cooperation with other state institutions at the local level. As part of the project, seven trainers were trained, and six trainings were held for local police officers, as well as two trainings for representatives of local security councils, and four trainings for tax inspectors and administrative inspectors (who are responsible for controlling non-profit organizations). A manual was published for the professional

development of police officers of the Ministry of Interior of the Republic of Serbia on the topic of prevention of terrorism, violent extremism and radicalization leading to terrorism, and a brochure "Prevention of radicalization and terrorism" was prepared for employees of institutions and organizations that are in direct contact with citizens (educational, health and others), which aims to introduce the concepts of radicalization, violent extremism and terrorism, with special reference to the factors and indicators of radicalization. This brochure has been distributed since December 2019. It is also planned to implement phase 2 of the said project, ie to continue cooperation with the representatives of the OSCE Mission. In this regard, additional project activities entitled "Strengthening the capacity to recognize the first signs of radicalization and prevent violent extremism and radicalization leading to terrorism" have been agreed - with a special focus on training additional trainers, developing a training plan that would cover the entire territory R. Serbia, as well as the development of teaching materials and training of members of local security councils, local police, educators and social workers. Internal procedures have already been initiated to obtain the necessary approvals for the implementation of these project activities."

In terms of making a multi-agency individualized approach and dealing with persons at increased risk of radicalization, in mid-2019 the Service for Combating Terrorism initiated the formation of an Initial Assessment Team at the central level, which would collect information on persons at risk of radicalization, assess the validity of that information, assess the degree of radicalization and riskiness of that person, and if necessary collect information from other institutions, and provide support to other institutions in working with such persons. The establishment of the prevention system in the Republic of Serbia would take place in two phases: the first phase would include the formation of a multi-agency working group that would be in charge of preparing the necessary conditions for the establishment of the Team; the second phase would involve forming a Team and improving its functionality.

The implementation of the multi-beneficiary IPA project for 2016 "Support to Prevention and Countering Violent Extremism in the Western Balkans" funded by the European Commission is underway, which aims to provide assistance to the Western Balkan countries in preventing and combating violent extremism, primarily through model of the "Radicalization Awareness Network" (RAN) in the Western Balkans, as well as by conducting small actions with specialized (international) organizations (especially civil society organizations). The upcoming activity is the visit of the expert team of the European Commission in order to assess the situation and needs and define the next steps for the implementation of the project.

Ministry of Defence, the Military Security Agency in particular, give significant contribution regarding some of the mentioned issues and thus contribute to the fight against terrorism.

As for the matter of financing terrorism, on the basis of operationally gathered information, the Military Security Agency produces analysis, and conducts antiterrorist evaluation and through pre-emptive measures and a proactive approach prevents financing of the terrorism, in cooperation with other competent state bodies. Thus, the Military Security Agency continuously contributes to averting the creation and "dismantling" certain elements of the networks for financing terrorism thus deterring possible financiers of terrorist activities that could jeopardise the Ministry of Defence and Serbian Armed Forces. Within the Ministry of Defence and

Serbian Armed Forces, the Military Security Agency is responsible for taking measures and actions directed towards detecting, examining and gathering evidence for a criminal offence of financing terrorism in line with Article 393 of the Criminal Code of the Republic of Serbia, when the offence is directed against the Ministry of Defence and Serbian Armed Forces.

We, also, note that a representative of the Military Security Agency is a member of the

Border control, strictly observed, is not within the purview of the Ministry of Defence and Serbian Armed Forces but these institutions provide a systemic support to competent authorities and that support consists of taking measures, activities and actions in case of non-military challenges, risks, and threats to security. Article 39 of the Law on Defence reads as follows: In cases when the border belt, the border or the lives and health of people and animals and material wealth in the border area are endangered, the Government will organise joint police and military forces for the execution of joint task on a joint proposal of the Minister of Interior and Defence Minister, with the approval of the President of the Republic. In executing the said tasks, the police and military forces report to the Serbian Armed Forces commanding officer authorised by the President of the Republic, at the joint proposal of the Minister of Interior and Minister of Defence. Pursuant to the provisions of Article 53(1) of the Law on the Serbian Armed Forces, the Military Police conducts the activities of counterterrorist protection in the Ministry of Defence and Serbian Armed Forces, or pursuant the provisions of Article 6(2) of the Law on MSA and MIA, the Military Security Agency detects, traces and prevents internal and international terrorism, extremism and other forms of organised violence targeting the Ministry of Defence and Serbian Armed Forces; detects, investigate and document criminal acts against constitutional system and security of the Republic of Serbia, criminal acts against humanity and other values protected by the international law, criminal acts of organised crime, criminal acts of money laundering and criminal acts of corruption (abuse of office, trade in influence, bribery) even when they are not the outcome of activities of an organised criminal group within the Ministry of Defence and Serbian Armed Forces. Moreover, it is important to stress that in 2016, the Joint Force of the Serbian Armed Forces and the Ministry of Interior (Serbian Police) was established as the result of migrant crisis, all for the purpose of protecting the state border and controlling the migration caused by the war conflicts in the Middle East, where at the goal is to prevent the terrorist threat not only to Serbia but to the EU states and the OSCE member states.

Regarding possible use of the Internet and other information networks for the needs of terrorists, the Ministry of Defence, the Military Security Agency in particular, primarily reacts by the measures of pre-emptive nature which are reflected in gathering data for timely detection of those threats that may jeopardise the security of the Ministry of Defence and the Serbian Armed Forces. In this regard, the provisions of the Law on Military Security Agency and Military Intelligence Agency stipulate that MSA conduct security protection of information and telecommunication systems and crypto protection. Within these activities, MSA deals with identifying security omissions, risks evaluation, participation in the control of security procedures implementation and proposing measures for the purpose of improving the state. In the framework of counterterrorist measures, MSA is authorised to apply special procedures and measures for covert gathering of information aimed at preventing the use of the Internet and other information



networks for the needs of terrorists, and for the purpose of detecting, examining and gathering evidence of criminal acts of terrorism within its area of responsibility. MSA is also authorised to apply particular evidence activities, or special investigation techniques for covert gathering of information.

Amendments to the **Criminal Code** (Official Gazette of the Republic of Serbia No. 108/2014, 94/2016) 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 34, which refers of crimes against humanity and other property protected by international law, criminalizes the following crimes related to terrorism:

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

Article 393 of the Serbian Criminal Code criminalizes 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, also included explicit provisions on the prevention of the financing of terrorism. A range of financial institutions and Designated Non-Financial Businesses and Professions (DNFBP's)<sup>2</sup> are obliged to fulfill the reporting requirements laid down in the AML/CFT Law according to a new approach adopted in the 2009 AML/CFT, i.e. 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 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.<sup>3</sup> In order to harmonize the Serbian AML/CFT legislation with the most recent FATF standards and the **Fifth** EU Anti-Money Laundering Directive<sup>4</sup> as well as the most recent Council of Europe MoneyVal Report for Serbia (13 April 2016), a Law on the Prevention of Money Laundering and the Financing of Terrorism was adopted on 14 December 2017 (Official Gazette of the Republic of Serbia, 113/17 and 91/19). **National Assembly of the Republic of**

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<sup>2</sup>Banks; Licensed exchange offices; Investment fund management companies; Voluntary pension fund management companies; Financial leasing providers; insurance companies licensed to engage in life insurance business and companies providing intermediary insurance services when they provide intermediary services in life insurance; insurance agencies and insurance agents licensed to engage in life insurance, except for insurance agencies and insurance agents for the work of which responsibility lies on the insurance companies in line with the law. Persons dealing with postal services; Broker-dealer companies; Organizers of special games of chance in casinos and organizers of special games of chance through electronic communication means; ; Persons providing the services of purchasing, selling or transferring virtual currencies or exchanging of such currencies for money or other property through internet platform, devices in physical form or otherwise, or which intermediate in the provision of these services and custodian wallet providers; Auditing companies and independent auditors, Providers of accounting services; Real estate agents; Tax advisors; Public postal service operator headquartered in the Republic of Serbia, established according to the law governing postal services, providing payment services in line with the law regulating the provision of payment services, Factoring companies; Payment institutions, E-money institutions Lawyers and Notaries

<sup>3</sup> APML; National Bank of Serbia; Securities Commission; Tax Administration; Administration of Games of Chance; Market Inspectorate, Ministry competent for postal communication; Bar Association; Chamber of Notaries.

<sup>4</sup> Directive (EU) 2018/843 of the European Parliament and of the Council of 30 May 2018 amending Directive (EU) 2015/849 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing and amending Directives 2009/138/EC and 2013/36/EU

**Serbia adopted the Law Amending the Law on the Prevention of Money Laundering and Terrorism Financing on 23 December 2019. The Law was published in the Official Gazette of RS, no. 91/19 of 24 December 2019 and becomes effective on 1 January 2020. These amendments have the aim of addressing the issues concerning the implementation of the FATF recommendations found in the MoneyVal 2016 Mutual Evaluation Report for Serbia and subsequent Enhanced Follow-Up Reports.**

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-type 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. The Rulebook was amended in March 2018 to reflect the most recent changes to the relevant EU declaration form and to take into account the new AML/CFT Law. 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 **Criminal Procedure Code** (Official Gazette of the Republic of Serbia, Nos. 72/2011, 101/2011, 121/2012, 32/2013, 45/2013, 55/2014 and 35/2019) introduced 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 greater role in the process, and have more authority in prosecuting perpetrators of criminal acts and ingathering 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 defense. Considering that only public authorities (public prosecutor and the court) are authorized to take evidence, the defense may request from them to undertake certain evidentiary proceedings.

The Code provides that the public prosecutor is authorized to conduct pre-investigation 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 the efficiency of the 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 and 94/2016) 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.

The Border Police Directorate undertakes the following measures and actions regarding the prevention and fight against terrorism:

- with the use of all available technical means and equipment, the Border Police Directorate controls the passage of persons, means of transport and goods at the state border;
- within the framework of its powers and tasks, provides support to all services in the fight against terrorism

Implementation of border controls 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 point 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 controls 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).

Regarding the security of travel documents during their preparation, security standards for the protection of forms as well as international electronic security elements are applied, the so-called EAC Protocol that prevents data theft when reading travel documents on the appropriate devices.

In addition, the standard physical elements of the security of the travel document form, such as cinegram, are applied, as well as the ICAO standards relating to the layout of the travel document form and international standard 9303 relating to the photo of a travel document holder.

Also, in technical terms, the safety of travel documents is at a high level and we have had no knowledge of the case of forging our travel documents so far.

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 Defense, authorized by the President, may decide that the Serbian Armed Forces provide assistance to a competent state body or organization, 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 subsumed 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 Defense 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 Preventing Misuse of Internet and Open Sources in the Service for Combating Terrorism (SBPT) 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 Service for Combating Terrorism deals with the prevention of the abuse of the Internet for the terrorist purposes in cases where the Internet is a means of attack, or when terrorist organizations and their supporters use the Internet for recruiting, financing, propaganda, training and incitement to terrorist acts.

The abuse of the Internet for terrorist purposes has been recognized as one of the risk factors for the security of the Republic of Serbia, as well as an integral part of the strategic goal of prevention in the National Strategy for the Prevention and Countering of Terrorism. In this regard, the task in the coming period is to improve the legal framework, in accordance with the right to freedom of expression and privacy, which will contribute to the establishment of a system for preventing the use of the Internet and other public media, which, among other things, includes the development of a system for tracking, eliminating and blocking illegal content.

In 2019 in cooperation with the OSCE in Serbia, Service for Combating Terrorism started activities within the project "Strengthening national capacities for fighting against misuse of the Internet for terrorist purposes" with the aim of improving the capacity of the Service for

Combating Terrorism to locate, identify, collect and process information on incriminated terrorist activities on the Internet in a way that they can be used as evidence in possible criminal proceedings. Planned project activities include: participation in study visits to units responsible for the prevention of Internet misuse (Italy, IRU EUROPOL, Germany, Estonia) for police officers of Service for Combating Terrorism and competent prosecutors, material and technical equipment for the Service (appropriate hardware and software tools), organizing seminars, workshops, expert meetings, development of information materials, as well as the establishment of effective communication with other actors responsible for combating the use of the Internet for terrorist purposes. The project is expected to last for two years (beginning on January 1, 2019, and ending on December 31, 2020).

Regarding the use of the Internet and other information networks for terrorist purposes, the security of the Information and Communication Technologies (ICT) system of the Ministry of the Interior of the Republic of Serbia falls within the scope of the Sector for Analytics, Telecommunication and Information Technologies.

There is a strict security policy and control of this system and it has not been noticed that this system was the target of terrorist attacks and that the resources of this system were used for terrorist purposes.

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. Please see an exhaustive list of concluded bilateral agreements in the area of mutual legal assistance in criminal matters available at the official website of the Ministry of Justice.

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 harmonize the AML/CFT system with the relevant international standards, the National Assembly of the Republic of Serbia adopted on 20 March 2015 (Official Gazette of the Republic of Serbia, No 29/2015) a Law on Freezing of Assets with the Aim Preventing Terrorism. This Law intended to implement the International Convention on the Suppression of the Financing of Terrorism, relevant United Nations Security Council Resolutions and relevant European Union acquis communautaire. On 14 December 2017, this Law was amended to take into account the relevant recommendations of the most recent Council of Europe MoneyVal Committee's Mutual Evaluation Report for Serbia (of April 13, 2016). These amendments fully align Serbia with the relevant international standard concerning the implementation of targeted financial sanctions for terrorism. **Finally, as it is required by FATF standard, the provisions of this Law must apply equally on proliferation of weapons of mass destruction. Therefore, the latest amendments to the Law were introduced in the National Assembly and published in the Official Gazette of RS no. 41/2018 on 31 May. Since that day, the full name of this piece of legislation is Law on the Freezing of Assets with the Aim of Preventing Terrorism and Proliferation of Weapons of Mass Destruction (Official Gazette of the Republic of Serbia, nos. 29/2015, 113/2017, 41/2018) – herein after referred to as: the LFA.**

**The effectiveness of relevant legislation has been fully tested in practice by issuing a domestic list of designated persons. In this particular case, the designation only included persons for whom there was justified belief that they were terrorists, terrorist financiers, that they were involved in a terrorist group or the commission of a terrorist act, and/or they were related to proliferation of WMD.**

**For the UN sanctions lists or their amendments to become effective, Serbia does not require internal Government consultation process. Rather, the lists are directly taken over by the Administration for the Prevention of Money Laundering from the UN website, meaning they become effective as soon as the given amendment is reflected on the UN website.**

**This is done using an online application tool implemented on the website of the Administration for the Prevention of Money Laundering in December 2018, and demonstrates a major improvement in terms of effectiveness. This tool has two purposes: one is to take over the amendments to the UN lists immediately as they are published on the UN website, and secondly to serve as a search engine for all obliged entities to check whether a particular person or entity has been designated.**

**The search engine developed by the APML applies to all UN-lists of designated persons. The search engine enables all interested natural and legal persons to check quickly and simply if they have contacts, and/or business cooperation with designated persons, to ensure timely application of actions and measures prescribed by the LFA.**

**Developing this kind of tool has enabled a direct search of UN SC Designated**



persons lists, relating to the Resolution 1267 (1999), 1989 (2011) and 2253 (2015) on ISIL, Al-Qaida and related individuals, groups of persons, undertakings and other entities; to the Resolution 1718 (2006) and successor resolutions on DPRK, as well as to the Resolution 1988 (2011) on the Taliban and related individuals, groups of persons, undertakings and other entities, and also Resolution 2231 (2016) related to Iran.

**Data on designated persons are automatically downloaded from the relevant UN lists database on a daily basis, which enables accurate and timely results when using the engine.**

According to the filed criminal charges of the Criminal Police Directorate in the Ministry of Interior of the Republic of Serbia from 2014 against seven (7) persons, in the conducted criminal proceedings on the indictments of the Prosecutor's Office for Organized Crime against seven (7) citizens of the Republic of Serbia - three (3) of them were not available to the competent state authorities, on April 4, 2018, the Special Department of the High Court in Belgrade passed a first instance verdict sentencing these persons to prison for a total of 67 and a half years (persons in prison and persons who are not available to the judicial authorities, and who were tried in absentia) for committing the following crimes: Terrorism (Article 391 CC), Terrorist conspiracy (Article 393a CC), Recruitment and training for terrorist acts (Article 391b CC), Public Instigation of Terrorist Acts (Article 391a CC) and Financing Terrorism (Article 393 CC). The Special Department for Organized Crime of the Court of Appeals in Belgrade passed a second-instance verdict on January 18, 2019, which confirmed the first-instance verdict of the Special Department of the Higher Court in Belgrade, and which thus became final.

In accordance with the Law on the Freezing of Assets with the Aim to Prevent Terrorism and Proliferation of Weapons of Mass Destruction, by a decision of the Government of the Republic of Serbia, convicted persons were put on the United Nations list on December 20, 2018 and they were imposed a measure of targeted financial sanctions and restrictions on the disposal of property.

### **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 and signed agreements with the UN and the EU, during **2019**, the members of the Ministry of Defence and Serbian Armed Forces were deployed in eleven multinational operations (MNOps), **five** UN- and **four** EU-mandated. The achieved maximum is **293** members of the Serbian Armed Forces (SAF) among which **42** are females (about **14.33%**) as follows:

- **MONUSCO in the DR Congo – one SAF member (staff officer),**
- UNFICYP in the Republic of Cyprus - three SAF members (staff officers),
- UNIFIL in the Republic of Lebanon – 178 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 – 17 members (staff officers and Autonomous Vessel Protection Detachment),
- EUTM Somalia in Somalia – six SAF members (a staff officer and a medical team),
- EUTM Mali in Mali – three SAF members (a medical team),
- EUMAM RCA in the Central African Republic – four SAF members (a medical team), and
- MINUSCA in the Central African Republic – 77 SAF members (staff officers, military observers and Level 2+ Military hospital),

It has been planned that 700 members of the Ministry of Defence and the Serbian Armed Forces be deployed to MNO in the course of the year **2019**.

### **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 field of arms control and disarmament and has been implementing them consistently. Inter alia, Serbia has undertaken and fulfilled all the commitments from 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 the measures regarding the prohibition of chemical weapons that had been in place until then, was passed in 2009. As an OSCE member, the Republic of Serbia has been fully implementing the Vienna Document 2011, and pursuant to Title X of the said Document, it is a State Party to bilateral agreements with the 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 the Annex 1b to the said Agreement, a bilateral agreement has been signed with the Bundeswehr Verification Centre (the 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 **4.226 pieces, out of which 30 items of major equipment in 2019**.

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 **58 specific area inspections and 22 evaluations in accordance with obligatory quotas, and 33 activities pursuant to bilateral agreements. Concurrently, 144 arms control activities have been conducted abroad.**

On 13th May 2010, the Government of the Republic of Serbia adopted the National Strategy of small arms and light weapons control 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 **177 inspections of arms control covering a total of 253 objects of inspection. At the same time, 157 arms control inspections have been realised abroad on 257 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 taking care 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 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. In addition, the Ministry of Defence submits reports on military expenditures to certain international organisations based on its international commitments arising from the ratified international conventions.

Control and audit are performed in 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 in 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.

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?**

**New strategic documents in the field of security and defense (National Security Strategy and Defense Strategy) were adopted in the National Assembly of the Republic of Serbia at the end of December 2019. Therefore, development of action plans for implementation of these strategies has been started.**

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. The said Strategy particularly highlights the quality of being refrained from threatening by force or from employment of force for the purpose of threatening the territorial integrity or independence of any state. It also emphasises honouring the internationally recognised borders and solving disputes and open issues in a peaceful manner. The Republic of Serbia pleads 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 the European continent 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 the 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 neighbouring 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 the 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 employment of force, and to deploy part of its forces to foreign countries' territories solely in the framework of multinational

operations, following the 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 the peace in the region and worldwide is one of the missions of the Serbian Armed Forces which is fulfilled through the 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, item 4, and Article 40 and the Law on the Employment of the Serbian Armed Forces and Other Defence Forces in Multinational Operations Abroad).

The members of the Ministry of Defence and the Serbian Armed Forces are deployed to UN-mandated multinational operations based on the Annual Plan for the Employment 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 necessity 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, item 6 and Article 141(1) of the Constitution), and secret and paramilitary associations are forbidden (Article 55 of the Constitution).

Article 29(3) of the Law on the Serbian Armed Forces (*Official Gazette of the RS*, 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, citizens and the public.

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

Pursuant to Article 3(2) of the Law on Foundations for the Regulation of Security Services, the National Security Council was established as a body of the Republic of Serbia, which in addition to the work relating to taking care 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(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 committee through the prescribed obligation to report to the Committee on the part of 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 human or minority rights and freedoms guaranteed by the Constitution if all other legal resources are exhausted or are not envisaged for their protection.

### **Democratic oversight of the Serbian Armed Forces**

Democratic and civilian oversight of the Serbian Armed Forces pursuant to this law encompasses the procedures for the control of the employment and development of the Serbian Armed Forces, the internal and external control of expenditures for the military purposes, monitoring the situation and informing the public on the state of preparations of the Serbian Armed Forces, enabling free access to the information of public significance and determining the responsibility for the execution 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 citizens and public. The regulations on the Ombudsman referring to the protection and exercising rights of the 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** exercised by the National Assembly through the Defence and Internal Affairs Committee under the conditions prescribed by the Law on Defence (Article 9(1) and (2)(12) and the Rules of Procedure of the National Assembly (*Official Gazette of the RS*, 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 Minister of Defence to the Committee on a quarterly basis, during the sessions of the National Assembly; the issues related to public and state security, the reports by the Ministry of Interior about 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 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 for informing the public about the activities of the Ministry of Defence and the Serbian Armed Forces (*Official Military Gazette* Nos. 3/15 and 3/17) according to the authorisation under Article 30 of the Law on the Serbian Armed Forces).

Informing the public is done through the website of the Ministry of Defence, which has published the Register of regulations that is updated monthly and 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 RS*, No. 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 RS*, No. 116/07 and 72/12),

#### 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(1) and (2)(12) and Article 49 the Rules of Procedure of the National Assembly (*Official Gazette of the RS*, No. 49/12 – consolidated text).

Articles 17-20. 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 authorized representative to the session. 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 authorized representative to the session. The session of the Committee may be closed to the public. 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 Services 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 Services 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 to their questions related to its work (Article 19(1) of the Law).



Committee members cannot require from the security services the following information: identity of present and former collaborators and informants of the Service; third persons whom the disclosure of those data could harm; methods of acquisition of security and intelligence data; current actions; methods of implementation of special procedures and measures; and the data and information that were acquired through exchange with foreign services and international organizations and classified data and information by other state bodies that are in possession of the service (Article 19(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 safeguard the confidentiality of information they get hold of participating in the work of the Committee even after the cessation of their membership or their work in 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 with their engagement in the Committee (Article 20 of the Law).

#### Public control of the military security services

Pursuant to Article 21 of 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 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 about the work of the military security services Law on Military Security Agency and Military Intelligence Agency prescribes 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 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 data they acquired while discharging their duties and powers prescribed by this law. Reports, information, and assessments from paragraphs 1 and 2 of this Article shall present 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 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 data protection on persons, free access to information of public significance and provisions of this Law. The right to information and access to information from 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 data on persons and provisions of this Law.

The right to information and access to information from Paragraph 1 of this Article shall not be related to 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 whom the disclosure of those data could harm; methods of acquisition of security and intelligence data; current actions; methods of implementation of special procedures and measures; and the data and information that were acquired through exchange with foreign services and international organizations and classified data and information by other state bodies that are in possession of the 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 exercise control of the 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

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

#### Inspector General

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 implementation of special procedures and measures for covert data collection, 3) oversees legality of budget and other resources spending for their activities, 4) offers opinion on draft laws, other regulations and general 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.

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. Inspector General shall be accountable to the Minister of Defence. Inspector General shall report on the implemented oversight at least once a year to the relevant Committee of the National Assembly. Inspector General cannot 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 prescribed by the Minister of Defence (Article 56).

#### Internal Control

Internal Control of the Military Security Agency and the Military Intelligence Agency shall carry out inspection of the legality of their work and the implementation of powers and authorities of

their personnel. Internal Control manager shall be directly subordinate to the Director of the Military Security Agency or the Military Intelligence Agency, to whom he/she shall regularly submit reports on their activities and on potential abuses and irregularities in the operations of the Military Security Agency and the Military Intelligence Agency.

Internal Control manager shall inform Inspector General, and as appropriate, relevant Committee of the National Assembly, when they have findings that the MSA or the MIA Director did not rectify the illegality or 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 security check, inspection of psychological and physical capability, inspection of health condition, polygraph testing and other checks (Article 57 of the Law).

In accordance with the provisions of the Law on Police ("Official Gazette of the Republic of Serbia", No. 6/16), Internal affairs are a public administration function stipulated by the law, performed by the Ministry, committed to achieving and improving the safety of citizens and property, upholding the rule of law and ensuring the exercise of human and minority rights and freedoms laid down by the Constitution and statutory provisions, as well as other related tasks within the established purview and competence of the Ministry. The Police shall be the central organizational unit of the Ministry, which in the performance of interior, i.e. police duties, protects and improves the safety of citizens and property, abiding by the Constitutionally guaranteed human and minority rights and freedoms and other protected values in a democratic society, with a possibility of using the means of coercion set out in the Constitution and law.

Employees of the Ministry and the Police shall treat everyone equally, regardless of their race, gender or nationality, their differences stemming from social origin, birth, religion, political or other belief or orientation, gender and gender identity, property, culture, language, age, and mental or physical disability.

The Ministry shall directly cooperate with security services in the Republic of Serbia through the exchange of information and technical cooperation, in accordance with the law. Cooperation shall be based on the rights and duties established by the Constitution, law, other regulations and general acts, and on special forms of organization and information sharing during the performance of joint tasks. The Ministry shall, in accordance with the law, directly cooperate with public administration authorities, other authorities, territorial autonomy authorities, local self-government units, and holders of public powers. The Ministry shall cooperate directly with citizens who provide assistance in the performance of police work.

During the preliminary investigation and investigation proceedings, the Police shall exercise police powers stipulated by the Criminal Procedure Code and act upon the order and requests of the public prosecutor and the court. In misdemeanour proceedings the Police shall also act upon the orders of the misdemeanour court

The Ministry and the Police may also establish international cooperation in accordance with the Law. The Ministry may second its representative outside the territory of the Republic of Serbia to be engaged in a diplomatic and consular representative office of the Republic of Serbia or in an international organization with a view to achieving cooperation in the field of security. At the request of international organizations in which the Republic of Serbia is a member or based on a ratified international agreement, the Ministry employees may, based on the decision of the competent authority adopted in accordance with the law, participate in the performance of police and other tasks abroad.

The Police shall perform police duties with the aim and in such a manner as to provide everyone with equal protection of security, rights and freedoms, by implementing the law and the constitutional principle of rule of law.

Policing shall be based on the principles of professionalism, depoliticization, cooperation, cost-effectiveness and efficiency, legality of work and proportionality in the use of police powers, as well as other principles regulating the activities of public administration authorities, and of civil servants, and the procedure in administrative matters.

In the performance of police duties, only those measures and means of coercion may be applied that are specified by law and that provide the result without any or with the minimum of harmful consequences for the persons subjected to such measures. When performing police duties, the Police shall abide by the established and achieved standards of police procedure taking into consideration the internationally accepted standards of procedure.

A police officer shall keep confidential the data acquired while performing police duties or related duties thereto, in accordance with the law. Police officers in the status of authorized officers shall perform police duties and exercise police powers also outside the working hours.

A police officer shall perform police duties in accordance with the law, other regulations and rules of the profession and in compliance with the provisions of the Code of Police Ethics which consist of a set of rules on ethical conduct of police officers.

Before exercising police powers, a police officer shall ascertain that all legal requirements are met for such exercise of powers and shall be accountable for such assessment. The police officer shall exercise police powers on his own initiative, upon the order of his superior officer, upon the order of a public prosecutor or other competent authority issued in accordance with another separate law.

In exercising police powers, the police officer shall act in accordance with the law and other regulations and shall abide by the standards laid down in the European Convention for the Protection of Human Rights and Fundamental Freedoms, the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, the European Code of Police Ethics and other international acts relating to the Police.

In exercising police powers, a police officer shall act impartially, providing equal legal protection to everyone, without discrimination on any grounds. The exercise of police powers shall be proportionate to the need for which they are used.

The work of the Ministry shall be under democratic oversight. The work of the Ministry shall be overseen through external control and internal control. External oversight shall be performed by: the National Assembly of the Republic of Serbia; assemblies of the provincial autonomy units 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.

### **Parliamentary oversight**

The National Assembly shall oversee the work of the Ministry directly and through the competent internal affairs committee. The Committee shall in particular: examine the semi-annual and

extraordinary reports on the security situation in the Republic of Serbia; examine the semi-annual and extraordinary reports on the work of the Ministry; examine the annual reports on the work of the Sector of Internal Control; oversee the legality of spending budgetary and other resources; oversee the legality of implementing special evidentiary actions defined by the code regulating criminal procedure, targeted search measures and integrity testing; oversee the upholding of political, ideological and interest neutrality in the work of the Police; establish the facts on detected illegalities or irregularities in the work of the Ministry and issue conclusions thereon; report its conclusions and proposals to the National Assembly. The Minister or the person authorized by the Minister shall submit to the Committee the semi-annual report on the security situation in the Republic of Serbia, as well as the regular report on the work of the Ministry. The Ministry shall, as needed or at the request of the Committee, also submit extraordinary reports to the Committee.

### **Oversight role of the assemblies of provincial autonomy or local self-government units, including town municipalities**

The assembly and the executive authorities of the provincial autonomy or local self-government units, including town municipalities, shall: examine the report on the security situation in their territories; assume positions on priorities for safety of people and property, and submit proposals to the manager of the competent organizational unit of the Ministry. The assembly and/or the executive authority of the provincial autonomy or local self-government units, including town municipalities, may establish advisory bodies.

### **Oversight of work of the police officers and employees of the Ministry of the Interior**

Internal control of the work of the police officers and other employees of the Ministry shall be performed by the Sector of Internal Control. The Sector of Internal Control shall be led by the Head of Sector of Internal Control. The Head of Sector of Internal Control shall regularly and periodically submit reports on the work of the Sector of Internal Control to the Minister, and on actions taken to detect criminal offenses to the competent public prosecutor. At the request of the Government and the working body of the National Assembly in charge of internal affairs, the Minister shall submit a report on the work of the Sector of Internal Control. The Sector of Internal Control shall, within three months from the end of the calendar year, publish the work report for the previous year, including the basic statistics on the activities undertaken and the results achieved.

### **Forms and manner of performing internal control**

The Sector of Internal Control shall oversee the legality of work of police officers, as well as other employees of the Ministry, especially in terms of their respect and protection of human and minority rights and freedoms while performing official tasks and exercising police powers, namely while performing activities within their purview. The Sector of Internal Control shall take measures and actions in accordance with the law regulating criminal procedure to detect and prevent criminal offenses of corruption and other forms of corruptive behaviour, as well as other criminal offenses of police officers and other employees of the Ministry, committed at work or in relation to work. Methods of performing internal control are prescribed by the Minister.

The Sector of Internal Control shall be overseen by external control which shall be performed by the National Assembly of the Republic of Serbia; judicial authorities; independent state authorities

in charge of oversight and other authorized state authorities and bodies; citizens and the public. The Head of Sector of Internal Control shall report to the Minister for his own work and for the work of the Sector of Internal Control. The work of the Head and employees of the Sector of Internal Control shall be under the Minister's control. The Minister shall issue guidelines and binding work instructions to the Sector of Internal Control, except for actions taken in preliminary and investigation proceedings at the request of the competent public prosecutor.

In accordance with the Law on Police ("Official Gazette of the RS", no. 6/2016, 24/2018, 87/2018), Sector of Internal Control also conducts following activities for the prevention of corruption:

Corruption risk analysis - The corruption risk analysis in the Ministry includes creation of the methodology for the recognition, identification, and assessment of corruption risks, and for the definition of institutional and individual factors that enable corruption.

Control of declaration and change in the assets declaration of the police managers (in strategic, high, medium and operational level) and of the employees at high-risk work places as determined by the corruption risk analysis.

Integrity testing is control of reaction of the employee in simulated situation, which is identical to his work activities.

### **Oversight by handling complaints**

A complaint may be submitted by any person who believes that his human and minority rights and freedoms were violated by an act or failure to act of an employee during the performance of official tasks, within 30 days after the day when the act subject to complaint occurred. A complaint may also be submitted against the work of the Ministry. The complainant shall be allowed to participate in the complaints procedure. Based on the submitted complaint, the complaints procedure or the summary procedure shall be conducted. The submitted complaints shall be forwarded to the competent organizational unit of the Ministry for further handling. The complaint which is not duly submitted shall be resolved in the summary procedure.

If the complaint contains elements of a criminal offense, it shall without delay be brought to the attention of the competent public prosecutor, Sector of Internal Control, as well as the manager of the organizational unit where the respondent works, who shall inform the complainant thereof. If the complaint contains elements of violation of official duty, the manager of the organizational unit where the respondent works shall without delay initiate a disciplinary procedure against the respondent and inform the complainant thereof.

### **Complaints procedure**

The complaints procedure shall be conducted by the manager of the organizational unit where the respondent works, or a person authorized by him or the Complaints Committee. Upon receiving a complaint, the manager of the organizational unit shall inform the complainant about the initiation of the complaints procedure and call him for an interview within 15 days after receiving the complaint. The manager shall settle the complaint through reconciliation of positions with the complainant. If the positions on the presence of a threat or breach of human and minority rights and freedoms are not reconciled, the complaint shall be transferred to the Committee.

The complaint shall also be transferred to the Committee when the duly called complainant fails to appear for the interview and informs the manager that the Committee shall handle the complaint. If the complainant fails to respond to the call of the manager and does not request that the Committee handles the complaint, the complaint shall be considered withdrawn by the complainant. The complaints procedure before the manager of the organizational unit shall be concluded within 30 days after receiving the complaint. The procedure before the Committee shall be concluded with the delivery of a written response to the complainant within 30 days after the complaint is transferred for resolving.

A complaints unit shall be the organizational unit in charge of complaints at the headquarters of the Ministry and in police departments, or the organizational unit designated for that by the manager. The complaints procedure shall, on the basis of subsidiarity, be subjected to the law regulating general administrative procedure. The manner of handling complaints during the complaints procedure shall be prescribed by the Minister.

If the complaints procedure establishes that the respondent's actions breached or threatened human and minority rights and freedoms of the complainant, managers of organizational units of the Ministry shall take appropriate measures against the respondents. The managers referred to in paragraph 1 of this Article shall submit the report on measures taken to the competent complaints unit and shall inform the complainant of the measures taken.

### **Complaints committee**

The complaints committee shall consist of three members: chairperson of the committee, one member from the Ministry and one representative of the general public. The Minister shall appoint and dismiss members of the Committee by a decision.

The Chairperson of the Committee shall be a police officer proposed by the Police Directorate or another competent organizational unit of the Ministry. The Committee members shall be employees of the Ministry, proposed by the Police Directorate or the organizational unit of the Ministry where the employee-respondent works. Representatives of the public in the Committee at the headquarters of the Ministry shall be appointed by the Minister at the proposal of organizations of professional public and nongovernmental organizations. Representatives of the public in committees at the headquarters of police departments shall be appointed by the Minister at the proposal of the local self-government authorities from the territory of respective Police Departments. The Committee members shall be appointed for a period of four years. The Committee shall sit in the required number of panels at the headquarters of the Ministry and at the headquarters of police departments.

### **Supervision of settling of complaints in complaint procedure**

The conduct of the complaints procedure by the manager of the organizational unit shall be supervised by the competent complaints unit and the Police Directorate. The conduct of the complaints procedure by the Committee shall be supervised by an expert authorized by the Minister for that purpose. The modus operandi during the supervision of the complaint handling procedure shall be regulated by the act prescribed by the Minister in accordance with the Law.

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

According to 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 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 employment and development of SAF, internal and external control of expenses for military purposes, 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 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 think 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 Supervisory 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 of 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 carry out inspection of the legality of their work and the implementation of powers and authorities of their personnel, and when they have findings that the MSA or the MIA Director did not rectify the identified illegality or irregularity they may turn to 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 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. The proceedings may also be instituted by the Constitutional Court. 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 day 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 no more than six months since 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. of the 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 RS*, 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 will 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 entrusted 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. Ombudsman reports to the National Assembly (Article 138 of the Constitution).

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 RS*, No. 79/05 and 54/07), Article 29(3) of the Law on the Serbian Armed Forces 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 Information of Public Importance**

In order to exercise the right of access to public information held by public authorities, the Commissioner for Information of Public Importance was established by the law as an autonomous state body, independent in exercising his/her authority (Article 1(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 it is done via a specially established body of the Republic of Serbia, the **National Security Council**.

Article 5. of the Law prescribes 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 that ensures national security by directing and coordinating the work of security services and ensures 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 Serbian Armed Forces and directors of the security agencies.

### **Coordinating Instructions:**

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 reports about that to the Council, as appropriate, and at least every six months. The work of the Coordination Bureau is regulated in more details in the Rules of Procedure of the Council.

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 Department 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 about it, that in this case 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).

The work of the Ministry shall be transparent. The Ministry shall regularly, promptly and fully inform the public of its work, except when taking measures and activities in accordance with the law regulating criminal procedure and when it would hinder operational police work, or if it would: violate the data secrecy regulation; violate the dignity of citizens; jeopardize the right to personal freedom and security. The Ministry shall, once a year and not later than within three months from the end of a calendar year, publish the following: 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; 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 these reports, the Ministry shall post 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.

### **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 Article 139-141 of the Constitution).

The Serbian Armed Forces performs the assigned missions and tasks prescribed by the law, 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 the combat operations and all other forms of armed resistance, whose powers are laid down in the Constitution and the law. 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. Serbian Armed Forces Doctrine is based on the Defence Strategy of the Republic of Serbia.

The tasks of the Serbian Armed Forces under the Law on 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 the 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 it can be ordered only by the President of the Republic and this right cannot be transferred to other officers (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 RS*, No. 88/09).

### **The role of paramilitary forces**

Organising into paramilitary formations is prohibited pursuant to Article 55(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 in the country is prohibited and subject to criminal liability. Organising into paramilitary formations is prohibited pursuant to Article 2(4) of the Law on Defence (*Official Gazette of the RS*, 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 stipulates that security services operate pursuant to the Constitution, laws, regulations and general legal documents, the national security strategy, defence strategy and 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 politically neutral. Members of the security services may not be members of political parties.

The role of the military forces in the field of defence is governed by Article 20 of the Law on Defence, which provides that the security and intelligence affairs that are of importance to 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 RS*, 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 at the age of 19 to 30. For conscripts who voluntarily wish 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 RS* 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 in which they turn 60 for men and 50 for women.

The competent territorial authorities invite to medical examinations and psychological testing and recruitment only the conscripts who have signed up for the voluntary military service under arms in the Serbian Armed Forces to assess their fitness for the 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 RS*, Nos 116/07, 88/09, 88/09 – as amended, 104/09 – as amended and 10/15).

The Law on Police stipulates the conditions for the establishment of employment in the Ministry of Internal Affairs. When establishing an employment relationship, the Ministry shall be mindful of the ethnic structure of the population, the appropriate representation of persons belonging to national minorities, and the knowledge of the language and script in official use in the territory of the local self-government unit for which the organizational unit where the person is to be employed was formed, in order to achieve full equality between persons belonging to national minority and citizens belonging to the majority.

The Ministry employees may not perform activities whereby they commercialize their knowledge and skills acquired in the Ministry. The Ministry employees may not engage in free-lance or other business activities, perform the functions or activities that are incompatible with official duties, or which may lead to the conflict of interest or impact the impartiality at work.

### **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 RS*, Nos 98/2006) guarantees the freedom of thought, conscience, beliefs 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 opposes 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 by the Law on the Alternative Civil Service (*Official Gazette of the RS No 88/09*).

As of 01 January 2011, the military service under arms in the Serbian Armed Forces has been done on a voluntary principle. Concerning the fact that the 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 RS 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 the members of the Ministry of Defence and the Serbian Armed Forces, and likewise the conscripts, are guaranteed human and minority rights according to 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 RS No 116/07, 88/09, 101/10 as amended and 10/15*) stipulates the following:

The Serbian Armed Forces exercises its competences 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 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 his/her race, religious and national affiliation or gender, background or any other personal feature;

Participation of the professional members of the Serbian Armed Forces 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 report on all common problems they have been informed about.

Police officers and other employees shall be entitled to trade union, professional and other forms of organization and action in the manner provided by law. In addition to the right to trade union organization and strike, the employees shall also have the right to *accelerated accrual rate*, as well as other rights established by the Law. Police officers may not be members of political parties, may

not organize themselves into political parties and may not be politically active in the Ministry. Police officers may not attend political party meetings and other political gatherings wearing a uniform unless engaged in the line of duty. Acting contrary to provisions of the Law shall be a reason for initiating a procedure to establish disciplinary responsibility as referred to in the provisions of this Law regulating disciplinary responsibility of the employees of the Ministry. The employees of the Ministry shall have the right to strike in accordance with the law and collective agreement and to freely decide on their participation in a strike.

#### **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 the 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 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 acquiring the knowledge and skills in implementing the LOAC rules as an indispensable part of the overall military knowledge and skills.

IHL Practicum for training of command and staff officers completely rounds off and defines the integration of IHL into the defence system. The practicum enables officers in different positions to comprehend 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 realization 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 provide the necessary regulatory, organizational, personnel and material conditions for the consistent application of IHL in accordance with the international commitments.

While producing the abovementioned 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 Red Cross Committee and the Centre for LOAC and International Organisations of the Faculty of Political Sciences in Belgrade.

Implementation of the three-year Strategy on the realisation of 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, the representatives of the armies from the region have also participated in it. Also, the on-line distance learning course on the 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 under 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 how to treat the wounded and prisoners and how to protect the population as well as to other rules of the said law and international standards on the employment 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 from him/her to act contrary to the Constitution, law and the rules of international humanitarian law.

Pursuant to Article 33 of the Law on Defence reads as follows: "Any kind of a paramilitary organization and association aimed at execution of defense tasks pertaining to defense of the country shall be forbidden. Any use of the Serbian Armed Forces for the purposes of political parties, ideological or religious purposes 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."

Pursuant to 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 the following. 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 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 his/her race, religious and national affiliation or gender, background or any other personal feature;

The provision under Article 53 (1) 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, the 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 antiterrorist protection in the MoD and SAF.

Authorized personnel of the Military Police conduct criminal processing of the Ministry of Defence employees and the Serbian Armed Forces personnel if there are grounded suspicions that they have committed a criminal activity during their service or in relation to their service and they prosecute them officially unless the law prescribes differently.



The provision under Article 143 of the Law on the Serbian Armed Forces provides that the SAF members are prosecuted for criminal acts, economic offence and violation according to common regulations. Accountability for a criminal act, economic offence and violation does not exclude disciplinary responsibility if the act, which is the subject of a criminal offence, procedure for determination of responsibility for economic offence or misdemeanour, implies the violation of duty from service. Disciplinary procedure is conducted regardless of the course of criminal trial, trial for responsibility for economic offence or misdemeanour. For a criminal act against the Serbian Armed Forces, with a stipulated prison sentence up to three years, a disciplinary procedure 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 action, pursuant to the Criminal Code provisions.

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

The law stipulates obligatory training and career management for all members 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 instruction in international law governing the use of force, or international humanitarian law and international standards on the use of force.

Advanced education of the Serbian Armed Forces members 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 training of trainers in this area.

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 titles of officers 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 duties of officers or the commanding of tactical units in branches and appropriate command and managerial duties in the service.

The rules of the employment 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 in operations. The rules of employment (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 employment that are further elaborated and prescribed for specific operations or tasks of the SAF are called "The Rules of Employment 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 the human and minority rights may not be lowered. When restricting 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 possibility to achieve the purpose of the restriction with less restrictive means.(measure determining criteria).

Article 202. of the Constitution provides that upon proclamation 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, national affiliation or social origin. 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 on 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 executing 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 employed only to assist in protecting the lives and safety of persons and property, environmental protection or for other reasons determined by the law, while the use of the Serbian Armed Forces outside the Republic of Serbia shall be regulated by the law.

When performing his/her service, a Serbian Armed Forces member shall be obliged, acting in accordance with Article 13(1) points 1 through 7, (2) and (3), of the Law on the Serbian Armed Forces): 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 expose political party and other political emblems and express his/her political beliefs; 3) execute orders, i.e. instructions of his/her superior officers related to service, or orders and instructions issued by a senior person in the absence of his/her superior officer when it is necessary to undertake urgent measures for the execution of urgent and important service tasks, except for orders the execution of which would

imply a criminal act; 4) if he/she receives an order, the execution of which would be violation of law, he/she shall demand that the officer who issued such an order should repeat it in a written form; 5) refuse execution of the repeated order or instruction of his/her superior officer or a senior officer if its execution would imply a criminal act; 6) immediately inform the person superior to the person who issued 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 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 his/her race, religious and national affiliation or gender, background or any other personal feature; The Code of Honour of the SAF members (*Official Military Gazette* 29/10) has 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 employment 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 for the military needs, monitoring of the conditions in the Serbian Armed Forces, and information for the public on the state of the Serbian Armed Forces preparations, enabling free access to information of public importance and definition of responsibilities for execution 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, the citizens and the public. Regulations on the Ombudsman pertaining to the protection and exercise of the citizens' 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(3) of the Law on the Serbian Armed Forces 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.**

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

Participation of the professional members of the Serbian Armed Forces 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 report on all common problems they have been informed about. Professional Serbian Armed Forces personnel shall not be entitled to the right to go on strike. Article 14 (3) - (5) of the Law on the Serbian Armed Forces).

A professional Serbian Armed Forces member may with prior Defence Minister's consent be allowed to take part in the activities of associations through which the following goals are achieved: reform of the defence system and the Serbian Armed Forces, harmonisation of regulations with generally accepted standards and regulations of the European Union, drafting of

the Defence Strategy and the 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 14a 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 approval of the Defence Minister or a person authorized by him/her (Article 50(3) of the Law on the Serbian Armed Forces).

### **Prohibition of Political Activities**

Military personnel are forbidden to attend political party gatherings in their uniform and to be engaged in any other political activity except for their active right to vote. A professional member of the Serbian Armed Forces, a student or cadet of military education facilities and personnel attending other officers' and NCOs' training courses cannot be members of a political party (Article 14(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 not 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(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 employment 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 employment 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 the international humanitarian law.

The provision under 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 employment 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, item 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 employment of the Serbian Armed Forces outside the borders of the Republic of Serbia is regulated by the Law on the Employment of the Serbian Armed Forces and Other Defence Forces in Multinational Operations Abroad.

Article 5, item 4) of the Law on Defence stipulates that the defence of the country is ensured, inter alia, by participating in multinational operations as well.

The provision under 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 how to treat the wounded and prisoners and how to protect the population as well as to other rules of the said law and international standards on the employment 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 from him/her to act contrary to the Constitution, law and the rules of international humanitarian law.

Article 13. 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 pertaining to undertaking 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 contents of the Serbian Armed Forces Doctrine implies that it passes different levels and types of control and harmonisation with the provisions of the aforementioned regulations. The Doctrine is, in addition, harmonised with the provisions of the International Humanitarian Law.

The provisions of the International Humanitarian Law form an integral part of the Serbian Armed Forces doctrine, and doctrines of branches, and rules arising from the use of these doctrines on 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 provide standard principles, policies, procedures, guidelines, in accordance with international humanitarian law, during the planning, preparation and execution of operations in peacetime, state of emergency and state of war.

The employment of the Serbian Armed Forces in operations is defined by the rules of employment. The rules of the employment 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 in operations.

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 the international legal instruments in the area 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 regulating the employment 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?**

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

The Ministry of Defence and the governmental bodies are obliged to make available all information and data of public significance in the field of defence for the public 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 under 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 cooperation and military cooperation, the Ministry of Defence publishes information for the public with 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 information for the public in June and December in accordance with the Law since June 2008.

The provision under Article 30 of the Law on the Armed Forces provides that the Minister of Defence regulates the way of informing the public 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* Nos. 30/15 and 3/17),

##### **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?**

*This issue does not fall within the purview of the Ministry of Defence and the Serbian Armed Forces.*

### **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 on 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 gatherings, 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, and the like); 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, and the *Odbrana* (Defence) magazine.

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

## ANNEX

### **IMPLEMENTATION OF THE UNITED NATIONS SECURITY COUNCIL RESOLUTION 1325 – *WOMEN, PEACE AND SECURITY* WITHIN THE AREAS OF ACTIVITY OF THE MINISTRY OF DEFENCE AND THE SERBIAN ARMED FORCES**

After five years of implementation of the National plan for the implementation of United Nations Security Council Resolution 1325 – Women, Peace and Security in the Republic of Serbia (2010-2015), pursuant to the Conclusion of the Government of the Republic of Serbia<sup>05</sup> No 337-12773/2016-1 of 19<sup>th</sup> May 2017, the National plan for the implementation of United Nations Security Council Resolution 1325 – Women, Peace and Security in the Republic of Serbia (2017-2020) (hereinafter referred to as: National Action Plan) was adopted and published in the *Official Gazette of the RS*, No 53/17 on 30<sup>th</sup> May 2017 when it became applicable.

The adopted National Action Plan specifically focuses on improving the position and security of women at the local level, starting from four fundamental pillars of the UN SC Resolution 1325. It has five thematic areas: actors, institutional bodies and mechanisms, prevention, participation, protection and recovery.

The National Action Plan to be implemented in the period until 2020 contains one general objective, five specific objectives and 49 activities.

The general objective of the National Action Plan is *IMPROVED SECURITY OF WOMEN IN THE SOCIETY*, by integral implementation of UN SC Resolution 1325 in the Republic of Serbia in the following areas: prevention, participation, protection and recovery with greater involvement of women in preserving peace and security at the local community level.

Specific objectives of the National Action Plan are the following:

1. Improved efficiency and effectiveness of work of all actors, institutional bodies and mechanisms envisaged for the implementation of the National Action Plan,
2. Developed prevention mechanisms for the purpose of increasing security of women in peace, conflict and post-conflict recovery of the society in the country and abroad,
3. Increased representation, involvement and decision-making of women in all processes related to preserving peace and security,
4. Improved normative conditions and institutional capacities for available and efficient protection of women, and
5. Improved system for the support to the recovery of women who experienced any form of endangering their security during post-conflict recovery of the society, crisis and emergency situations.

The same institutional structures that had been established during the implementation of the previous National Action Plan were also maintained in the actual National Action Plan.

In addition, establishment of the Operative body for the implementation of the National Action Plan is envisioned, as well as introducing a unique list of indicators for measuring the achieved progress, a unique reporting model, and contact-persons for the implementation of the National Action Plan at all levels.



According to responsibilities determined by the National Action Plan, the Advisor of the Defence Minister for the implementation of the National Action Plan (2017-2020) was appointed by the Decision of the Defence Minister.

Also, the Analytical Group for the implementation of the National Action Plan (2017-2020) within the area of responsibility of the Ministry of Defence and the Serbian Armed Forces was established and the Instruction on election and function of “persons of trust” as a gender equality mechanism in the Ministry of Defence and the Serbian Armed Forces was approved and published in the *Official Military Gazette* No 1/18.

Establishment of the Political Council for monitoring the implementation of this strategic document is underway.

A series of training events for persons of trust in the Ministry of Defence and the Serbian Armed Forces was conducted in 2019.

The Ministry of Defence and the Serbian Armed Forces continue to undertake measures aimed at increasing the representation of women in defence system, their participation in decision-making, international cooperation activities and multinational operations, improving normative conditions for the protection of women, media coverage of the realization of the activities contained in the National Action Plan as well as advancing the cooperation between state administration, local self-government, civil society organizations and international organizations regarding the implementation of the UN SC Resolution 1325 in the Republic of Serbia.

The Republic of Serbia participates in the regional project “Strengthening of Regional Cooperation on Gender Mainstreaming in Security Sector Reform (SSR) in the Western Balkans (Phase II), and actively participates in other international, regional and national events on this subject.

The Ministry of Defence of the Republic of Serbia provided answers to the Office for Democratic Institutions and Human Rights (ODIHR) Questionnaire on women in the Armed Forces in the OSCE region.

In line with the recommendation of the Ministry of Defense on the need to form an Analytical Group of the Ministry of the Interior, as well as the need to develop a Sectoral AP for the implementation of the National AP, the Secretariat made a decision to establish the Analytical Group for Monitoring the Implementation of the AP. The analytical group held a consultative meeting and defined further steps in its work, as well as the tasks.

For the purpose of smooth implementation and reporting on the degree of implementation, the Ministry of Defense, as the one being in charge of drafting, is obliged to send the Proposal for the establishment of the Political Council and the Operating Body for monitoring the implementation of this strategic document to the Government of the Republic of Serbia for the adoption.