



Transnational Organised Crime In the Western Balkans

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The aim of the article is to highlight the ways in which transnational organised crime in the Western Balkans developed and is developing, on the one hand, and some problems of combating transnational organized crime on the other. For that purpose the author analyses the development and challenges of criminal investigation trends in the Western Balkans and Slovenia, and reviewed literature and other sources to identify main problems and try to find some answers. If new technologies are being used (misused) for criminal purposes, then it is logical to use them in the field of criminal justice, that is, for the purpose of the scientific suppression of crime. In that sense, professional education of judges, prosecutors, attorneys and police should include knowledge of criminalistics, which is not the case in all transitional countries. From all above stated facts it is important to analyse transitional crime problems in the Western Balkans that we can plan for the future. In conclusion, the author examines certain measures that expose failures and suggests some answers to the questions in connection with the fight on transnational organised crime in the Western Balkans. The diffuse nature and complexity of the problem should not reduce the countries' determination to counter it, for that alone would result in failure.

I. Introduction

Organised crime is in many ways a developmental issue in the Western Balkan's countries, reflecting the lack of adequately protected property rights, the lack of local employment opportunities and the fragility of states. Capacity-building projects within the judicial system are as much a part of the process of dealing with organised crime as legislation. Participating informants and undercover policing operations are a critical component in combating organised crime. International assistance and conditionality must be coordinated to avoid overburdening local administrations. The countries of the region need to take a more balanced approach to gathering and collating criminal intelligence. Operations should be based on accurate threat assessments, not on political or media priorities. The international community can assist in creating the necessary expertise for this task.²

The prevention and repression of organised crime is an aim which no one would dare to question. But we must control and manage the crime instead of fight against crime. Crime was always present in the history and as it seems, it will always be there especially in the Western Balkans. We must control and

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² Van Duyne, Petrus, Klaus von Lampe and Nikos Passas (eds), *Upperworld and Underworld in Cross-Border Crime*, Wolf Legal Publishers, Nijmegen 2002.



try to reduce organised crime to the minimum risk for society, since it seems utopic to eradicate it completely as we experienced in the past. In this fight it is uncertain who will win. Controlling and managing crime will help for better society. To do that, we must focus on highest levels of criminals using cooperation. If there is absence of commitment at the top, there is a lack of moral authority to enforce laws and punish the criminals. Ambitious promises leads to loss of public confidence. Uncoordinated reforms mean that no one is committed to implement and kept up to date. Reforms that rely too much on law and enforcement leads to repression, which stimulates crime. Reforms which focus only on the ordinary people cases have no effect in general on organised crime.³

Organised crime is a major problem in most of the countries in the region. It is essential to collect and analyze information and experiences about organised crime systematically. For this purpose we need the determination of an appropriate policy to fight organised crime. What is common is an understanding of the features that characterize the way in which organised criminal groups operate. Western Europe is confronted by international drug traffickers seeking new markets and trafficking routes. As communication and transportation links expand between the East and West, increased quantities of illicit drugs are transported and distributed throughout Europe by organised criminal groups. The traditional Balkan Route has been interrupted by the civil war in the former Yugoslavia. In the early 1990s, another variation of the Balkan Route emerged with the increased commerce. Due to the danger which organised crime represents to democratic society a special emphasis is given to the questions of national and public security. Creation of preventive measures is the most important part of criminal policy here. Organised crime is increasingly moving over national borders and is becoming an international problem. This is why we addresses the issue of international co-operation in suppressing organised crime in the framework of INTERPOL, EUROPOL, Schengen Accord, and other international bilateral and multilateral agreements.

Analyses of previous mentioned international institutions shows that the economic integration of Western Europe and the political transformation of Eastern Europe offer new opportunities for economic growth and individual freedom. Unfortunately, these events also provide international drug traffickers with unprecedented opportunities to expand their criminal activities throughout the continent. Cocaine and heroin will continue to permeate the markets of Western Europe. Lax border controls and ineffectual drug law enforcement in Eastern Europe and the countries of the Commonwealth of Independent States will continue to invite smuggling ventures to circumvent tighter customs inspections in Western European ports of entry. Cocaine abuse levels are expected to steadily rise, whereas heroin abuse will continue to retain stable at its current levels. Cannabis, the most widely-abused drug throughout Europe, may be procured more easily as governments address the issue of soft drug legalization. Amphetamines will continue to increase in popularity among Europe's youth. There will be an increase in the amount of amphetamines produced in Eastern European countries, not only for Western markets, but for local consumption as well. Reasonably priced amphetamines will continue to attract a user population unable to afford either heroin or cocaine.

Organised crime destroys the potential benefits of introducing democracy and market disciplines. As a result, investors, both domestic and foreign, are less willing to risk their capital. There are also political and social costs. General public mistrust of parliamentarians, public servants and state institutions reduce citizens' respect for authority and willingness to abide by the rule of law. Higher rates of crime threaten national security, political stability and economic development.⁴

Curbing organised crime requires a multi-disciplinary response and co-operation between different institutions at the national and international levels. The diffuse nature and complexity of the problem

³ Dobovšek, B. (ed), *Round Table On Organised Crime; Ljubljana*, in: Slovenian presidency of the Adriatic-Ionian Initiative: (collection of reports), Ministrstvo za notranje zadeve Policija, Ljubljana, 2004.

⁴ Adamoli, Sabrina, Andrea Di Nicola, Ernesto Savona and Paola Zoffi (eds), *Organised Crime Around The World*, HEUNI, Helsinki, 1998.



should not reduce the will to counter it for that alone would result in failure. Countries of Western Balkan should not lose sight of the fact that gradual improvements in democracy and the market economy will in the longer term go hand in hand with reduced levels of organised crime. For a clearer picture of what is happening in the region, we will closely analyse the problems regarding organised crime in Slovenia, Croatia, Bosnia and Herzegovina and Serbia.

II. Security and Cooperation at Responding on Organised Crime in the Western Balkans

It is very hard to measure organized crime but in spite of that the results and data are more or less comparable. From the research data collected so far, we can see that organized crime is increasing in the Western Balkans, especially in the economic field. We are encountering the same problems like in other places in Europe but of course with little deviations. This is depending on the ways of combating organized crime and how institutions save and deals with information. The only thing that matters in combating crime is right, precise and punctual information and cooperation. But can we say that crime is increasing and that there are differences between East and West? We can answer that question by data comparison, which are accessible and reliable, but, even so, we can not give reliable answer⁵. For the purpose of this article, we analysed data and documents on organised crime in some countries of the Western Balkans, which are of particular interest for us in the region.

A. Slovenia

In Slovenia the cooperation between law enforcement institutions (police and public prosecutors offices) and the connection between these institutions and financial institutions was pointed out as one of the main problems. The second problem is the weak social development: this is the reason why we should develop conditions for good social workings. Civil society through NGOs can have influence on responsibility of public mandate holders. Influence in the reduction of crime is shown in the independence of media, education and pressure on young's to do right and proper things and state new values. Civil society bears the most important role in preventing crime and can lead to better society. Civil society represents the interests of specific groups, is building partnership between society and others institutions. In this way it can build consciousness to the people that organized crime is a bad and wrong way of living. Beside civil society, educational institutions and researching journalism play a big role in combating organized crime.

We have to increase collaboration of all actors in the society to reduce crime, but the most important are law institutions, professional groups, academic researchers, representative bodies of economy, NGOs and civil society. We must combine different interested impartial persons, who are coming from the above mentioned institutions and groups with the aim to debate how to reduce organized crime. The main role of forums about organized crime are to accept as soon as possible common concepts of reducing crime, to form new law instruments, to build better usage and to stimulate better dialog between those who are combating crime and especially organized crime.

The process of connecting economical and political fields can lead to changes in the comprehension of the role of law enforcement officers on international and national relationships. In these days organized crime expanded to a size, that can not be overlooked. The fact that organised crime is skilful to avoid law enforcement control, makes of it a serious threat to international security. Interested states are combating this threat with different bilateral and multilateral contracts, endeavouring in this way

⁵ von Lampe, Klaus, *Measuring Organized Crime: A Critique of Current Approaches*, in: van Duyne, Petrus, Matjaz Jager, Klaus von Lampe and James L. Newell (eds), *Threats And Phantoms Of Organised Crime, Corruption and Terrorism*, Wolf Legal Publishers, Nijmegen, 2004.



with collectively powers to stop harmful actions of international criminal organizations. The majority of international police cooperation is limiting it selves on forms of international help and support between police all over the world: that means collecting, analytic treatment, synthesizing and exchanging information about international criminal activities. There are no bilateral or multilateral contracts in the Police Corporation fields that restore autonomy over-national police organizations which could direct the states to unite security policy on the fields of interior affairs.⁶

As regards law enforcement working problems, our opinion is that we should intensify the work in the field of prevention and informant group, which will represent presence of law enforcement officer near the pubs, community policing and of course to brighten potential victims with organizing the conferences. With these actions we could reduce the fear of crime and increase the confidence in to law enforcement. We should begin to work on those groups, which are in the command of defined area, and on terrorization which is orientated in to mutual fighting because of taking over the commands and crime activities on different areas. This violence represents the biggest threat to peace and security (murders etc.).

Crime acts, which are significant for organized crime, represent just a part of all criminal activities. The penal code should therefore follow contemporary trends; also implementation of new penalties, seizure the illegal fortune etc. There are question whether the classic penal code is good enough for persecuting organized crime⁷. First problems are appearing at detecting and collecting evidences. With further investigation police officers and prosecutors are meeting with new problems, like detecting and seizure of illegal money, tracking the bribes, gifts and dirty money. We fare finding that the penal code is sufficient but defective is execution of rules. Foreign experts are advising that institutions should analyze the procedures which have taken to the failure. Before that, institutions should confess the mistakes and intend to spend more money into education⁸.

Problems of detecting and persecuting organized crime in Slovenia are shown in petty qualification of prosecutors and in unsuitable cooperation between law enforcement officers and other state institutions (tax office, other institutions). There has been multiple times exposure that state prosecutors need more extra education for understanding and persecuting modern forms of organized crimes. In the investigation process financial and other experts should be involved. Beside that a more active role from the state, which is shown in creating better laws, should be promoted. Unsuitable regulations are not the main problem in combating organized crime: the problem lays in an unsuitable execution of those regulations, which are uneconomical and unbalanced. Reproaches that we have bad laws are not based on serious analyzes. Analyzes reveal that in comparison with Europe we have adequate laws and a lot of specialized institutions for prosecuting crime, that however are not linked and do not work together. Findings show that this cooperation is not working because of personal matters among individuals working in these institutions. The courts of justice, which were recently found guilty of non reducing crime level, do not have political representatives to speak in favour of the independence of courts. It should be stressed more that courts are the ones who protects human rights and weigh evidence and not the ones that should prove the guilty of criminals. State institutions, which should have more power and knowledge, seem to be losing the fight with opposite side because they are not connected, not functional and not harmonious.⁹

⁶ Meško, G., M. Pagon and Bojan Dobovšek (eds), *Policing in Central and Eastern Europe: Dilemmas of contemporary criminal justice*, Faculty of Criminal Justice, Ljubljana, 2004.

⁷ Karakaš, A., *Načini preprečevanje organizirane kriminalitete s poudarkom na ureditvi normativno represivnih ukrepov v Republiki Sloveniji de lata in de lege ferenda*. in: Meško, G., *Preprečevanje kriminalitete*, Inštitut za kriminologijo pri Pravni fakulteti, Ljubljana, 2004.

⁸ Penko, B., *Nekateri problemi kazenskega pregona hujših oblik gospodarskega (finančnega) kriminala: izhodiščne teze za predavanja*, in: Dvoršek, A. and L. Selinšek, *Problematika Finančnega Kriminala V Sloveniji*. Maribor, Fakulteta za policijsko-varnostne vede: Pravna fakulteta, 2005.

⁹ Dobovšek, B., *Organiziran Kriminal Kot Peta Veja Oblasti*, in: Meško, G., M. Pagon, B. Dobovšek, *Izzivi sodobnega varstvoslovja*, Fakulteta za policijsko-varnostne vede, Ljubljana, 2005; Penko, B., *Nekateri problemi*



We should solve the problems systematically. Firstly, we should increase the detection rate by educating law enforcement officers, by increasing the cooperation between them and by changing the general idea that organized crime is untouchable. We should pay attention that the usage of undercover actions not becomes a threat to democracy. Warnings that undercover actions can be used for political matters should be carefully analyzed. Undercover actions are normal procedure in modern states to fight bigger crime (organized crime, corruption, etc). The problem is in the execution of these actions and in the introduction of new measures.

Strengthen direct forms of cooperation between police and prosecution offices is shown at combating organized crime. State prosecutors have included proactive procedures of accompanying the suspects of organized crime. It is significant that in Slovenia, after its independence, police and prosecution offices did not develop as quickly as organized crime. These two institutions can follow the development of modern forms of crime neither directly nor indirectly. This is true especially in the case of economic crimes. In this field education and cooperation between police and financial institutions is lacking.

To be equal to changes which are waiting for us, Slovenia should tie in with the European Union in the economical, political and cultural fields. The European Union should know that Slovenia is a transit state for illegal and legal migrations and is the aim for migrates not only from the west to the east but also from the South to the North. Slovenia, a small middle-North European state, is lying in the area where main traffic and criminal ways are going between West and South-East countries. We could expose the so called "Balkan road" which is known as road of drugs, weapons and people and it is connecting the Barcelona-Kiev route. And right that circumstances where lot of people in the small areas are, are good for advantageous development of crime. A factor which is neutralizing a bigger development of crime is equally populated areas and that there are no big cities, metropolises. The analysis of similar cases, shown that we should be more careful and have better control over the poor areas where there are lot of young people without education and job and are surviving with crimes which are under the control of organized crime.¹⁰

B. Republic of Croatia

There are problems when prosecuting crimes which are coming out from problems of detecting and citing of proofs of crime and with connection to secrecy and intimidation. Protection of witness has been implemented recently and still is not running on the satisfied level. The Republic of Croatia can not give satisfaction protection to witness because it is a too small country to change witness's identity and to give witness help to continue with normal life. Because of that Croatia should work hard and fast to implement bilateral and multilateral agreements regarding protection of witness. Until now, the interrogation of witness has been very hard, not easy and ineffective. The data from witness were hard to get without maximum protection and safety. Recently there have been legislative changes and Croatia is hoping that this will bring some changes to the practice. But still there is no developed international cooperation in the field of detecting and combating organized crime.

kazenskega pregona hujših oblik gospodarskega (finančnega) kriminala: izhodiščne teze za predavanja, in: Dvoršek, A. and L. Selinšek, *Problematika finančnega kriminala v Sloveniji*, Fakulteta za policijsko-varnostne vede : Pravna fakulteta, Maribor, 2005; Karakaš, A., *Načini preprečevanje organizirane kriminalitete s poudarkom na ureditvi normativno represivnih ukrepov v Republiki Sloveniji de lata in de lege ferenda*, in: Meško, G., *Preprečevanje kriminalitete*, Inštitut za kriminologijo pri Pravni fakulteti, Ljubljana, 2004.

¹⁰ Dobovšek, B., *Organiziran Kriminal Kot Peta Veja Oblasti*, in: Meško, G., M. Pagon, B. Dobovšek, *Izzivi sodobnega varstvoslovja*, Fakulteta za policijsko-varnostne vede, Ljubljana, 2005.



International analysis shown that Croatia is a very high risk country regarding organized crime. The most significant and frequent forms of tradition organized crimes are: illegal migrations, drug smuggling, smuggling and illegal selling of weapons, making and distribution of forged money and money laundering. Regarding trafficking, Croatia is transit, and also the aim country for some migrations. The most migrants come from Romania, Bosnia and Herzegovina, Ukraine, Moldova, Serbia and Montenegro. The main final countries for migrations are Italy and Slovenia.¹¹

In Croatia there is a very critical expansion of corruption. Corruption is not construction by media and the public perception is also high. Expansion of corruption is not expressed by official data and is higher reported by investigation work and also by public opinion pools. It was pointed out that corruption, nepotism, clientelism and conflict of interests are expanding. Connection between corruption and economic crime is of concern, especially when the crime is organized and connected in the different nets over the national borders. The aim of state institutions is to increase level of reporting, detecting and investigation of corruption and to increase the effectiveness and justness of courts including increasing the level and quantity of seized illegal fortune.

Organized crime is a very serious phenomenon and is highly dangerous for the country. In the media and in the public is creating the impression of organized crime's generally presence. Sometimes it looks like is penetrating in to politics, jurisdiction and in to the police. That is why it should understand public reaction. But that impression is not reflected in the real conditions. Dangerous organized crime in Croatia has not expand as in the modern develop transit countries.¹²

Law regulations are better since the pressure of EU institutions on reforms and laws. Idea of needing the prevention regarding corruption, trafficking and money laundering is begin to live in the institutions and among experts. Missing skilled workers, education and not consistent following modern principals are the things which are reducing effectiveness and focusing on the problem of organized crime. Connections between organized crime and politic and jurisdictional institutions are not systematic but are present. The most dangerous reports are that organized crime is penetrating in to legal business operations where the danger is not just in money laundering but also in criminal taking over the business. Situation is dangerous enough to have better mobilization and observation. Organized crime in Croatia is not a system that is built into politics and economy but is the much bigger composition in the economical and political field.

Regarding the laws a lot has been done (Croatia has adopted and ratified the majority of international documents). The basic impression is that on a normative level Croatia has enough standard and international solutions. Suitable is now the question why is Croatia not so good at detecting and prosecution that kinds of crime. That is because objective, quick and powerful procedures of economical and political changes in which the risk for development organized crime is very high. Croatia needs effective economical and international reforms which will regulate the grey economy, the illegal economy procedures and organized crime. Beside, there should be included also the scientific projects mostly on field of over-border cooperation with which we could seek for all forms of organized crime and order integral politic which could reduce the organized crime on national and international area. Croatia should collect the data about dimension and range of crimes regarding organized crime. Especially there should be important observation and research on the new modern

¹¹ Kregar, Josip, *Organised Crime As A Threat To Democracy*, in: Jurekovic, Predrag, and Frederic Labarre, *Crushing Crime In South East Europe: A Struggle Of Domestic, Regional And European Dimensions*, National Defence Academy, Vienna, 2003.

¹² Kregar, Josip, *Organised Crime As A Threat To Democracy*, in: Jurekovic, Predrag, and Frederic Labarre, *Crushing Crime In South East Europe: A Struggle Of Domestic, Regional And European Dimensions*, National Defence Academy, Vienna, 2003.



forms of organized crime, activities of organized groups and their connections with international groups. And, of course, there must be set up a unique data base¹³.

C. *Bosnia And Herzegovina*

In Bosnia and Herzegovina international data about safety of citizens because of organized crime is very hard to get and we will not find anything particular. When we say this, we think about deficit in investigation of organized crime, especially in sight of public opinion. Researches regarding citizen safety – fear of crime – are provided in majority on the base of citizen's perception of threatening. Beside people's perception is also based on writings in media about groups of organized crime. Stories are in majority exaggerated and are written and adjusted much more exclusive. If we are looking for relevant signs which are showing the real conditions of people's fear of crime – threatening - than we must mention two researches- First, research about victimization published in 2002 where we can find universal questioner about victimization. Data show that citizens of Bosnia and Herzegovina are feeling more safety than citizens in other European countries. Second research, Study of Fear of crime, has been done in Sarajevo. Questionnaire included 1750 citizens. Data show that in Sarajevo the fear of crime is present. We are guessing that that is consequence of the war.¹⁴

Everything mentioned above lead us to the conclusion that in Bosnia and Herzegovina there is a lack of official data on organised crime. Meanwhile, established new state institutions and an increasing number of young criminologists are guarantee that in Bosnia the similar researches will be provided and its number will increase. Many Bosnia and Herzegovina's journals have been saying *"there is nothing organized in Bosnia (not even one citizen's element including nature, industry, sport, culture etc.) and it is nothing functioning as good as organised crime"*. Every citizen who just one time a day watch TV news or read first page in newspaper or listen radio will notice how important and actual is the organized crime's phenomenon. Many citizens are asking them selves why such big actuality of these phenomenon. The answer is coming out from rumours that: Bosnia is an after-war transit country, its politic power is present in the field of sport, culture and in the police, the country is divided into many cantons, smaller provinces, has not unique police who is working together over the whole country` s territory. It is not possible to precisely affirm what is the main reason for increasing development of organized crime but it seems to be rumour that police is not unique and it is not working like one, together over the whole territory. Beside that, powerful thesis is also the one, which has been written in the political magazine "Dani", nb. 407, 11.4.2005 where president of court Branko Peric said: *"Every country has own its own mafia, but our mafia has its country."*¹⁵

Out of an interior functioning or better unfunctioning sight, Bosnia can be considered like a state subject which has a lot more of that what should have every modern country - of course, regarding this theme. Bosnian authority is organized on misunderstanding asymmetrical, non functional,

¹³ Kregar, Josip and Ksenija Turković, *Hrvatska I Reakcija Na Organizovani Kriminalitete. Varnost In Sodelovanje Pri Odzivanju Na Organizirano Kriminaliteto V Srednji In Jugovzhodni Evropi*. Inštitut za kriminologijo pri Pravni fakulteti, Ljubljana, 2006.

Data from documents: Implementation of UN Convention Standards against Transnational Organized Crime in Croatian Legislation, Bangkok, A/conf203/G/Croatia First Evaluation Round Evaluation Report on Croatia (Strasbourg, 13-17 May 2002); GRECO First Evaluation Round Compliance Report on Croatia, (Strasbourg, 29 November - 2 December 2004); Communication from the Commission to the Council and To the European Parliament: Strategy Paper of the European Commission on progress in the enlargement process. Brussels, 6.10.2004; Communication from the Commission: Opinion on Croatia's Application for Membership of the European Union. Brussels, 20 April 2004; 2004 European Union organised crime report EUROPOL.

¹⁴ Muratbegović, E., *Strah od kriminaliteta u Kantonu Sarajevo, kriminološki osvrt, Zbornik radova u povodu desetogodišnjice smrti V. Vodinelića*, VŠUP i Pravni fakultet u Kragujevcu, 2004.

¹⁵ Budimlić M., A. Maljević and E. Muratbegović, *Ekspertski izvještaj za Direkciju za evropske integracije Vijeća ministara BIH na temu trećeg stuba EU: "Justice and Home Affairs and Bosnia i Herzegovina*, 2004.



dysfunctional way: two entities which are functioning fictive like private countries; these entities are again organized on three different level of authority. That will not be a problem if we talk about modern decentralized authority. But we are talking about different kind of authority in Bosnia – more complicated and branched. Police in Bosnia and Herzegovina is numerous and institutionally too much over organized and over its capacity but out of functional effectiveness sight is none organized and beside all that it is without good technical equipment and employees have different inappropriate occupation (miner, forester, farmer, different technicians, engineers but on the other hand educated and graduated law enforcement officers are filling up the unemployment rate).¹⁶

When we are looking into statistics of organized crime we must know that it is not possible to measure it exactly¹⁷. In Bosnia there are different institutions which are measuring organized crime: police, public prosecution office, jurisdiction and institute for statistic. Among those police statistics has biggest number of crime acts because they record all reported crimes without regarding if there has been prosecution or judgment. Beside, at examining the statistics data we should be aware of gray field of crime (the numbers of undetected crime). The biggest problem in prosecution of persons committing organized crimes is collecting evidence. Beside that we should take into consideration that groups of organized crime are influencing on police, judges and prosecutors. Even more, organized crime has connections in politics, economy, financial institutions and in other places.

In Bosnia organized crime is undoubtedly present and it is showing in different forms. To reduce this kind of crime Bosnia has to activate all competence subjects, adopt and change important laws. A long time in Bosnia people and institutions could not talk or speak about existing organized crime, which had influence on bad work of police, prosecutors and judges; on bad identification of forms of organized crime and on increasing the number of undetected and unreported crime. Because of that it should be good to devote extra time to research appearances which are showing on suspicion of existing organized crime and that the results of these researches could bring positive base for relevant conclusions regarding existing and dimension of organized crime.¹⁸

D. Serbia

To the existent forms of organized crime, country has reacted in the frame of legal and economical system and adopted all necessary law documents. Once they also adopted law which violated the human rights too much and soon it was announced as unlawful. Country was changing different laws to adopt the best law for reducing and restricting the different forms of organized crime and for better working of law enforcement officers. The main aim was to minimize the level of organized crime. In this aim we can find also all the main actual, up-to-date laws.¹⁹

Police has been working on different tasks to reduce and to “destroy” groups of organized crime, but the most important were actions known as “the Sword” which gave good result in destroying individual groups of organized crime, detecting and prosecuting money laundering and smuggling different valuables but had never catch organized crime in financial businesses²⁰. We need to say that with those actions, police has done good work because the conditions has stabilized; especially in the field of money laundering and smuggling different valuables. But unfortunately, as we can see, these actions work just momentarily and we can not permanently minimize organized crime. For permanent

¹⁶ Abazović M, *Neorganizirano Društvo Preduvjet Organiziranosti Kriminala (Prolegomena)*, Kriminalističke teme br 3-4, Godište II, Fakultet kriminalističkih nauka, Sarajevo, 2003.

¹⁷ Dobovsek, B, *Mesto I Perspektive Kriminalističkih Nauka I Kriminalističke Profesije*, Fakultet kriminalističkih nauka, Sarajevo, 2001, at pp 249-260.

¹⁸ Petrović, B. (2000). Organizirani kriminal na Balkanu, *Pravna misao*, godina XXXI, 1-2./2000., p. 17-37.

¹⁹ Bošković, Micó, *Organizovani Kriminalitet*, in: Policijska Akademija, 2003.

²⁰ Nikolić-Ristanović, V., Čopic, S., Milivojević, S., Simeunović-Patić, B., Mihić, B. *Trgovina ljudima u Srbiji, Beograd: Viktimološko društvo Srbije (VDS) i Organizacija za evropsku bezbednost i saradnju (OEBS)*, 2004.

reduction of level of organized crime, country's institutions, law enforcements and others must work continuously together and unique and not just with planned police actions. Meanwhile the media were following everything regarding organized crime, announcing everything to public, organizing meetings, talking, radio broadcasts etc. Prevention was disregarded because the restriction had the advantage; beside prevention is not regulated.²¹

Beside previous mentioned proposals for reducing organized crime Serbia has more other proposals. When they are talking about measuring the organized crime we should stress that its dimension and widespread it is not possible to define exactly without full investigation characteristics of different forms of organized crime, public opinion and analyze of perception of organized crime based on representative sample. We must also investigate influence of transition to the appearance and development of organized crime and in this context propose activities for prevention and repression. In this complexion we must say that organized crime is becoming international and global (hard to solve) problem. And because of that, contemporary model of national security should beside up-to-date era demands, especially attention devote to the problem of organized crime. This method is based on preliminary research of etiology of organized crime, its evaluation and prognosis, whit which it could reduce the level of organized crime. We should form law enforcement intelligence service analytics at ministry of interior to collect and analyze the data on the one place.²²

With changing and complementing the Code of criminal procedure Serbia could bring investigation and competence from courts to public prosecutor's offices and police. This could bring to reduction of length of before trial criminal procedure, to changing some principals and to effectiveness in persecution of perpetrators of organized crime. The last thing, they should establish effective mechanism of control and supervision over all subjects who are working on reducing of organized crime and corruption.

III. Conclusions

Organised crime is not a problem unique to the Western Balkans but it clearly a major problem, and may represent a barrier to stabilization within the region. Organised crime is in many ways a developmental issue in the region, reflecting the lack of adequately protected property rights, the lack of local economic opportunities and the lack of educating people and rebuilding state institutions which curbing organised crime.

Legislation as a starting and key element reducing organised crime needs to be anticipatory rather than re-active. Policy-makers need to follow actively and anticipate new practices and trends in organised crime. The executive, legislature, civil servants and police are either unfamiliar with, or do not take, the results of expert research seriously enough. This suggests there is a need for closer co-operation between policy-makers and experts. Standardization and harmonization of police, prosecution and judicial statistics can improve information about trends in organised crime. Preventive legislation would harmonize the actions of different agencies and would increase their efficiency. Uncoordinated reforms weaken the process.

International cooperation on the tracing, forfeiture and confiscation of assets has increased over the past years, due to the efforts of western Balkan countries accepting basic principles for cooperation and implementation of international documents. Without appropriate international cooperation, all efforts would achieve few results at great cost. It is nevertheless necessary to raise awareness for the

²¹ Nikolić-Ristanović, V, *Organized Crime In Serbia – Media Construction And Social Reaction*, in: G. Meško, M. Pagon and B. Dobovšek, (eds), *Dilemmas of Contemporary Criminal Justice*, Criminal Justice Faculty, Ljubljana, 2004, at pp 685-695.

²² Nikolić-Ristanović, V, *Organized Crime In Serbia – Media Construction And Social Reaction*.



need to introduce legislation on the confiscation of the criminal proceeds and related provisional measures for seizure and freezing. It is necessary to implement international standards to facilitate efficient international cooperation, and to address the national dimension by introducing the necessary legislative amendments; institutional framework, training programmes, and convening multidisciplinary conferences.

It is not being done enough investing in development and education of the criminal investigators. There is certainly an opinion, which prevails, that good criminal codes and good lawyers are the best surety for efficiency in fight against the organized crime. Less attention is paid to the implementation of laws in practical work, detection, investigation and proving criminal offences, i.e. training of investigators and judges. Knowledge of criminal law (material and procedural) is of course necessary, but it is not sufficient. Taking into consideration that judging means applying the law on facts of a certain case, a need for knowledge of law is being too emphasized, and at the same time, the significance in determination of facts is being completely lost from the sight. Determination of facts is actually the most complicated, the hardest and the most responsible work of the attorney, investigative judge and, of course, the police. This part of their work is in the same time the most important for the trial. Proper implementation of the criminal law is impossible today without knowledge of criminal investigation and criminology.

Thus, this millennium should be marked by efforts of mankind, especially by the efforts of the most developed countries, on solving the biggest world problems. Therefore, along with medicine and economic policy, the criminal investigation should be a science of the future. In such a way, the qualifications of the judges, prosecuting and defence attorneys and police should consider knowledge of the criminal investigation, which is not the case now. In order to achieve that, the criminal investigation should be introduced as a regular subject of studies in the University of Law. Is the Bologna process an opportunity for the criminal investigation to become a regular subject of the law studies but since now criminal investigation is not considered as the law science. Let us remind ourselves on unfortunate tragic situations after the arrests of suspects, who were suspected for organizing criminal organizations and terrorism. After these spectacular arrests, which are a good thing, some of the prisoners were set free because of the insufficient amount of evidence. It was due to the fact that maximal attention was paid to the arrestment and less of required attention was paid to the collection of facts and evidences that prove a criminal activity of the criminals.



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