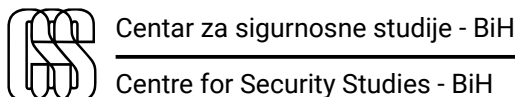
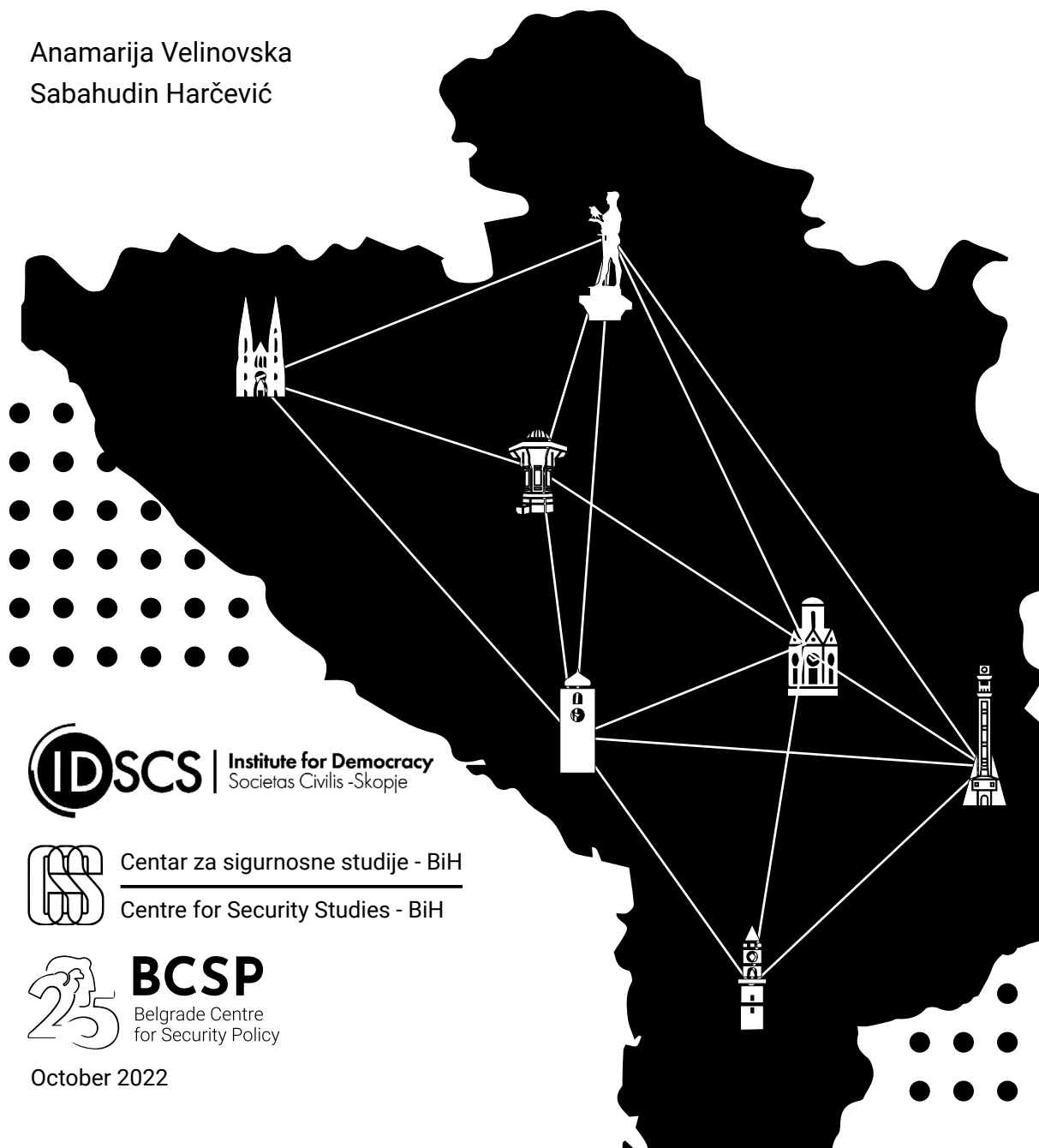


MAPPING OF THE REGIONAL MECHANISMS

IN THE FIGHT AGAINST ORGANISED CRIME

Anamarija Velinovska
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October 2022



WESTERN BALKANS
ORGANIZED CRIME
RADAR

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Current State of Play of Organised Crime in the Western Balkans

The geographic position of the Western Balkans (WB) is suitable for the expansion of criminal networks. Despite the fact that regional leaders are aware of the changing criminal environment in Europe, there are still significant gaps in regional cooperation in this field. Integrated management of the area of internal security represents a framework for policy coordination, designed to encourage cross-border cooperation in the region and enable the countries of the WB to resist the challenges of internal security in a long-term and self-sustaining perspective. Suppressing, eradicating, or at least bringing trans-national organised crime under control¹ is in the interest of all the countries of the WB. As opposed to organised crime of the past, whose primary motive was profit, today's criminals have other aspirations. Financial power and positions in the political, economic and local sectors are used for extra-institutional, unlawful, unethical and other influences on the state, i.e. for taking positions in society that cannot be obtained through participation in regular democratic processes. The new negative energy of organised crime threatens the security of many countries, including the international community.² In order to be successful in the fight against organised crime, it is very important to carry out a comprehensive analysis of all segments and factors that are directly related to this negative social phenomenon. Organised crime has become so normal in the WB that it is no longer possible to meaningfully separate it from politics, business and many other aspects of everyday life. The infamous 'Balkan Route', which remains the main route for human trafficking and drug smuggling to Europe, leaves devastating consequences for the communities through/along which it passes. More than 20 years after the adoption of the United Nations Convention against Transnational Organised Crime, the impression is that the problem of fighting this phenomenon in the WB is as intractable as it used to be.³ Every organised social community must determine its priority tasks, main directions, methods of action, and the appropriate organisation of the police and judiciary to fight organised crime. This can be achieved by establishing adequate cooperation between the police, the courts and the authorities responsible for controlling the crossing of the state borders. In the post-Dayton period, or as some authors call it, the post-conflict period, the idea of the need to establish regional initiatives and organisations, with the aim of pacifying the Balkan region and getting it closer to Euro-Atlantic integration, is once again being actualised by the member states of the European Union (EU) and the United States of America. The initiatives described below stand out in terms of importance.

Organised crime is progressively moving over national borders and is becoming a regional and international problem. Four countries of the WB region (Serbia, Montenegro, North Macedonia and Albania) have started the negotiation process for accession to the EU. Aligning the regulation, including the policies regarding fighting organised crime, and gradually integrating into the EU will be the main priority of these four countries in the upcoming years.

In the first part of the analysis, the authors will discuss the cooperation of WB countries at the level of police cooperation, under the framework of INTERPOL, EUROPOL, the Schengen Agreement or other international bilateral and multilateral agreements. In the second part, the analysis goes further into cooperation in the field of prosecution.

Police Cooperation of the WB Countries

Police cooperation under INTERPOL



INTERPOL

INTERPOL has been founded in 1923 and is the second largest international organisation, after the United Nations. As the leading organisation in law enforcement, it creates space for cooperation and connection among its participating member countries.

The WB states are the participating members in Interpol - Albania since 1991, Bosnia & Herzegovina since 1992, North Macedonia since 1993, Serbia since 2001, and Montenegro since 2006. Kosovo applied for membership in 2018, but it failed to receive two-thirds of the votes required for it to be accepted as a member. It withdrew its application the following year. That being said, five WB states are actively participating in the organisation and working closely on preventing and combating international crime.

INTERPOL has established its National Central Bureaus (NCBs) in Southeast Europe, thus allowing member countries from Southeast Europe access to a range of policing capabilities, global investigative intelligence, and a secure network. This placed these countries in a unique position to examine regional organised crime from a global standpoint to help national agencies to protect their people, economies and security.

An example of cooperation among the WB countries under the framework of INTERPOL is the project “Support for Increased International Cooperation in Criminal Matters”, implemented by UNODC’s Global Firearms Programme in partnership with INTERPOL. The project aims to provide support to the WB jurisdictions to collect and analyse criminal justice data and facilitate and strengthen cooperation and information exchange between criminal justice practitioners, as well as to support detection of illicit firearms trafficking.⁴ The project reflects cooperation between these two organisations, and its assistance will result in the WB’ jurisdictions achieving measurable results in the implementation of the Roadmap, including the connection of all police services to INTERPOL’s Illicit Arms Records, Tracing Management System (iARMS), information exchange with countries located along the connected routes, and understanding the gaps in the detection of firearms in postal shipments.

The Millennium Project⁵ is another form of cooperation among the countries of Southeast Europe. Its primary objective was to identify and dismantle major criminal groups, as well as their associated criminal networks and their activities. This was achieved through enhanced collection, sharing and analysis of data, operational and investigative support, and capacity building and training. It had originally focused on organised crime groups in Eurasia, to later expand to the WB. Following the Millennium Project, INTERPOL organised a four-day seminar (called Joint Action Days or JAD) on crimes originating in Southeast Europe. Nearly 9000 law enforcement officers have participated at this event.⁶

Police cooperation under the framework of EUROPOL



At the EU-WB summit held in Brdo, Slovenia in 2021, the EU strengthened the European perspective for the WB countries, and stressed the importance of regional cooperation and cooperation between the WB and the EU in the fight against organised crime.

That same year, the European Parliament published the Report on cooperation in the fight against organised crime in the WB, in which it stated that the situation in the WB has worsened and now requires increased regional cooperation under the framework of EU agencies such as Europol, as well as engagement of regional organisations such as the Regional Cooperation Council (RCC).⁷

EUROPOL has signed operational agreements with Albania (9 December 2013), North Macedonia (25 October 2016), Montenegro (25 October 2016), Serbia (16 January 2014) and Bosnia & Herzegovina (25 October 2016), while Kosovo has had a working arrangement since July 2020.⁸ The main differences between the operational and working arrangements is that an operational agreement allows the exchange of information that includes personal data, while a working arrangement only allows the exchange of non-personal data. Countries with operational cooperation agreements have a liaison officer who coordinates between Europol and the country in question.

“Partnership against Crime and Terrorism project in the Western Balkans (WB PaCT)” is one of the main Europol projects. It aims to enhance the capacities of the authorities in the WB to fight organised crime and terrorism, including preventing and countering violent extremism by enhancing cooperation within the region and with the EU.

Under the WB PaCT project, and in partnership with EUROPOL, the European Union Agency for Law Enforcement Training (CEPOL) aims to achieve the following specific objectives:

- Enhance the WB authorities’ knowledge about concrete law enforcement performance gaps that limit cooperation within the region and with the EU,
- Improve the capability and the WB authorities’ response to performance gaps, and
- Strengthen the WB’ cooperation with CEPOL.

Police cooperation Convention for Southeast Europe (PCC SEE)



The Police Cooperation Convention for Southeast Europe (PCC SEE) was signed on 5 May 2006. It reflected the Southeast European countries' intention to address organised and serious cross-border crime issues affecting their region in a more comprehensive and effective manner, as well as their desire to align their policing standards with those of the EU and the Schengen area.⁹

It includes a wide range of modern forms of cooperation modelled on EU good practices, such as joint threat analysis, liaison officers, hot pursuit, witness protection, cross-border surveillance, controlled delivery, undercover investigations to investigate crimes and crime prevention, transfer and comparison of DNA profiles and other identification material, technical measures to facilitate cross-border cooperation, border search operations, joint task forces for analysis, joint investigation teams, joint patrols along national borders, and cooperation in joint centres.²⁰

The PCC SEE has been signed with WB states: Albania, Bosnia & Herzegovina, North Macedonia, Serbia and Montenegro, as well as Southeast European countries Moldova and Romania. Kosovo is not participating in the PCC SEE.

According to the PCC SEE, the implementation process influenced the achievement of two important strategic points: (1) contracting parties with an EU perspective have utilised this multilateral instrument to achieve closer cooperation, align their standards and practices with those of their EU colleagues, and tackle security threats based on EU standards during the pre-accession phase; and (2) EU member states - parties to the PCC SEE have enhanced cross-border cooperation with non-EU contracting parties based on a common legal framework. The PCC SEE represents the first real attempt to regulate the field of police cooperation systematically and comprehensively in the region.¹⁰

Cooperation of the Prosecutor's Offices

In the field of prosecution, there are two main networks in the Balkan region: the SEEPAG and the Prosecutors' Network. Networks have several similarities, as well as some important differences.

The Southeast European Prosecutors Advisory Group (SEEPAG)



The Southeast European Prosecutors Advisory Group (SEEPAG) is a regional organisation whose objective is to reinforce the fight against serious forms of crime and foster greater cooperation and coordination of criminal investigations and prosecutors' offices in Southeast Europe. By improving the available facilities for mutual legal assistance, SEEPAG seeks to significantly increase the capacity of individual states to suppress, investigate and prosecute serious trans-border crimes.

SEEPAG's additional function is to create a contact point network with functions similar to those of the European Judicial Network (EJN). The contact points will simply facilitate the already existing forms of cooperation between the prosecutor's offices. This can be done without any amendments to the legislation and without any big institutional changes. To great extent, the framing of SEEPAG's function was influenced by the European Commission, Eurojust, EJN and the United States.

There are two main functions of SEEPAG that serve to enhance cooperation and coordination between national investigating and prosecuting authorities, to allow all law enforcement agencies to act more effectively, both individually and collectively, when dealing with international crime, and to bring criminals to justice more quickly:

- The first function is exchange of information and data in trans-border investigations. SEEPAG's function would be to facilitate the exchange among its members,
- The second function is to provide guidance, assistance and feedback on justice and law enforcement issues to lawmakers in the region. SEEPAG should provide a link between the conceptual framework of laws and their effect at an operational level.

The structure and the function of SEEPAG allows for a mechanism that could enhance the legal skills and the functional experience of prosecutors, and thus assist in the creation and harmonisation of laws and regional agreements aimed at combating organised crime. The SEEPAG could also provide legal guidance and opinions on various legal issues that may arise in the context of regional cooperation on justice matters.

The Prosecutors' Network



The Prosecutors' Network is a regional (Western Balkans) network for cooperation in repressing, investigating and prosecuting perpetrators of organised crime, criminal groups and criminal associations, as well as in combating corruption. At the end of 2003, each of the five WB countries (at the time, Serbia and Montenegro was one country) presented a set of action-oriented measures against organised crime. As one of these actions, all countries sought to improve regional prosecutors' cooperation in organised crime cases.

There are several provisions describing the functions of the Prosecutors' Network. They can be divided into two groups: cooperation in concrete cases and general measures to assure better cooperation. The first group includes exchange of information, documents and evidence related to organised crime, in particular in cases where territorial or citizenship linkage is clear; swift and efficient work in cases of extradition and requests for mutual legal assistance; and development of mechanisms for coordinating investigations. The second group includes training for public prosecutors, organisation of regular professional contacts, exchange of information about draft laws and new legal provisions, and the evaluation of national provisions and practices.

Eurojust's cooperation with third countries



Eurojust is a EU body with the status of a legal person, which was established with the mission to enhance the effectiveness of the competent authorities in member states when dealing with the investigation and prosecution of serious cross-border and organised crime. Eurojust continued to develop its relations with other countries, in particular the WB, while simultaneously contributing to ongoing EU regional projects and initiatives in the region. Eurojust is hosting study visits with the view to cooperation and commencing formal negotiations on cooperation agreements. It can assist in investigations and prosecutions concerning non-member states, where there is an essential interest in providing such assistance in specific cases (Article 3(2) of the Council Decision 2002/187/JHA). The conditions are determined on a case-by-case basis.

At the end of 2008, Eurojust had 31 contact points in 23 non-member states, and has been working regularly through these contact points on cases involving non-EU countries. WB Countries are among them: Albania, Bosnia & Herzegovina, Croatia, FYROM, Montenegro and Serbia. Last year, Eurojust dealt with almost 20 cases involving the WB countries.

Regional Initiatives

MARRI



The MARRI initiative was created in 2003 by merging two initiatives of the Stability Pact - the Migration and Asylum Initiative (MAI) and the Regional Return of Displaced Persons Initiative (RRI). This regional initiative deals with issues of migration management in the WB, promotes closer regional cooperation, and has a comprehensive approach to issues of migration, asylum and border management in line with international and European standards. “Support of Cooperation between Border Police at Airports in Southeast Europe” is one of MARRI’s projects. It was launched on 1 January 2013 and has lasted for three years. It represented a continuation of two similar projects, also on the cooperation of the border police. The overall goal of the project was to help the countries of Southeast Europe to deal more effectively with irregular immigration and fight terrorism and crime. The specific goals of the project were: effective inter-regional cooperation and information exchange, insight into the current situation in air traffic, improving the capacity of the border police at international airports, secure websites, annual meetings, and the organisation of joint trainings. MARRI is an important part of the process of integrating the countries of the WB into the EU.¹¹

SEECF



SEECF was created in 1996 as an initiative that came from the region itself, with the aim of creating an atmosphere of trust, good neighbourly relations and stability. The goals of the cooperation of the SEECF-participating countries are: strengthening security, creating a good political atmosphere and economic relations, cooperation in the field of democracy and justice, strengthening human resources, and fighting illegal activities and terrorism in order to transform the region into an area of peace and stability.¹²

PS-RCC



The Stability Pact is an expression of efforts to solve European problems primarily using European forces. The document on the formation of the Pact was adopted in Cologne (1999). As the successor of the Stability Pact for Southeast Europe, the Regional Cooperation Council (RCC) was officially established on 27 February 2008. The fight against organised crime and corruption, police reform, law enforcement and the judicial system, suppression of illegal migration, visa facilitation and the abolition of the visa regime, as well as strengthening the border management are of particular importance for the countries of Southeast Europe and their European and Euro-Atlantic agenda.¹³ The Western Balkans Security Meter was the first Public Opinion Survey on security issues. As a venture of the RCC, it was conducted by Indago on more than 6,000 citizens of the WB. It showed that the opinion on organised crime is generally in line with the findings of the key strategic documents that monitor progress in this area. In this respect, it is no surprise that, when asked whether organised crime poses a serious threat to the region, 82% of the respondents answered that it does, while only 13% did not consider it as such. The regional sub-sample relied on the individual economies' respondents' answers to the same question, with the biggest percentage was noted in Montenegro, where 9 out of 10 people recognised organised crime as a threat on a regional level, while only 3% had the opposite opinion. These numbers are almost the same in the rest of the economies.¹⁴

CEI



The Central European Initiative (CEI) is one of the oldest European regional organisations, founded to strengthen cooperation among member countries. The strategic goals of the initiative are: regional cooperation with a special emphasis on providing assistance to countries that are on the way to full EU membership in reaching European standards in all domains of life, especially in strengthening the rule of law, sustainable economic development, social cohesion and security.¹⁵ In addition to organising meetings, conferences, seminars and activities in the field of culture, CEI also provides financial support for individual projects concerning cooperation within the region, strengthening the capacity of individual state institutions on their way to the EU, mutual cross-border cooperation, and the like.

All



The Adriatic-Ionian Initiative was officially promoted during the Summit on the Development and Security of the Adriatic and Ionian Seas, which was held in Ancona on 19 and 20 May 2000. The summit ended with the adoption of the Ancona Declaration as the initiative's founding political act. Similar to other initiatives, the Adriatic-Ionian Initiative develops through two forms. The initiative is a forum for the exchange of political opinions, and at the same time a form for achieving multilateral cooperation in several areas, one of which is the fight against organised crime.¹⁶

RACVIAC



The Centre for Security Cooperation is an international, independent, non-profit and academic organisation founded by the countries of Southeast Europe with the aim of promoting dialogue and cooperation in the field of security. The initiative to establish RACVIAC was launched by Germany in 1999. RACVIAC began to act as a multinational regional centre for assistance in the implementation of arms control agreements in the countries of Southeast Europe. The main focus of RACVIAC's activities includes: security sector reforms, international cooperation regarding faster Euro-Atlantic integration of Southeast European countries, and security cooperation in the area of arms control.¹⁷

SELEC



The signing ceremony of the Convention on the Establishment of the Southeast European Law Enforcement Center - SELEC took place in November 2009, on the occasion of the 10th anniversary of the SECI Centre, representing the legal framework for the arrangement of cooperation between the competent authorities of the member states of the Convention. The objectives of the SELEC Centre within the framework of cooperation are: providing support and strengthen the coordination of member states in the prevention and suppression of crime, including serious criminal offences and organised crime when such forms of crime include elements of cross-border activities, providing support in the investigation and prevention of criminal offences by facilitating the exchange of data, mutual notification regarding perpetrators of criminal acts, collection and comparison of data, establishment, management and protection of data exchange systems, and provision of operational, logistical and analytical support in joint investigations. The headquarters of the SELEC Centre are in Romania.¹⁸



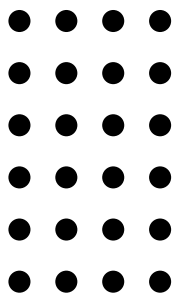
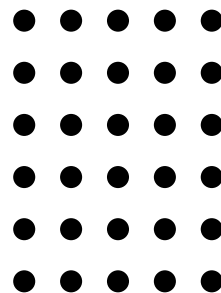
The resolution on the establishment of Southeast Europe Police Chiefs Association (SEPCA) was signed on 20 January 2002 in Croatia. The main goal of the members of the Southeast European Police Chiefs Association (SEPCA) is to fight organised crime, corruption and terrorism. SEPCA's biggest contribution lies in the fact that police managers have built a high degree of trust and communication, which directly affects the quality of their work. More than 370 people have been arrested in the area of Southeast Europe since the establishment of the Association, mostly leaders of various criminal groups, and mostly those involved in the illegal trade of narcotics. More than a tonne of drugs has been seized - slightly more than 600 kg of marijuana and skank, as well as approximately 400 kg of cocaine, heroin and other substances. The goal of such joint police actions is to respond adequately in the fight against organised crime in the region.¹⁹

Conclusion and Recommendations for Improved Regional Cooperation

Regional cooperation is one of the key elements of the integration process, especially the process of stabilisation and association, and the speed of the European integration certainly depends on mutual cooperation of the countries in the Balkans and their readiness to belong to a united Europe. The fight against organised crime and corruption is fundamental to combating criminal infiltration. There is a need to establish stronger frameworks for the fight against corruption and organised crime, which are serious threats to all the countries of the WB. Efforts are needed to ensure a permanent record of significant results in this area, based on efficient, effective and impartial investigation, prosecution and court judgments in cases at all levels, including high-level corruption. One of the cornerstones of successfully tackling serious and organised crime, which should be based on systematic and successful investigation and prosecution, includes ensuring consistent monitoring of cash flows through financial investigations. Together with national administrations, existing EU initiatives, organisations and agencies such as EUROPOL (European Union Law Enforcement Agency), CEPOL (European Union Agency for Law Enforcement Training), Police Cooperation Convention for Southeast Europe Secretariat (PCCSEE), Southeast Europe Police Chiefs Association (SEPCA), Southeast European Law Enforcement Center (SELEC), the Southeast European Prosecutors Advisory Group (SEEPAG) and the Western Balkans Prosecutors' Network should play an important role in regional cooperation. Agreements on operational cooperation signed between Europol and four countries of the WB (Albania, North Macedonia, Montenegro and Serbia) served to establish a network of liaison officers that communicate using Europol's "Secure Information Exchange Network Application (SIENA)". This network enables quick and easy communication as well as the exchange of operational and strategic information and crime-related intelligence between Europol, member states and third parties. Europol also has a working arrangement with Kosovo's law enforcement authorities. Furthermore, Albania, North Macedonia, Montenegro and Serbia have signed agreements on cooperation with Eurojust, while Bosnia and Herzegovina has opened negotiations on cooperation. Judicial cooperation in criminal matters with all countries of the WB is crucial for the fight against organised crime.²¹ Improving the legislative and institutional framework is not an easy task. However, as the criminal environment in Europe changes, it undoubtedly requires the adaptation of state structures and legislation to those changes.

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