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INTERNATIONAL COOPERATION OF SOUTHEAST EUROPE IN THE FIGHT AGAINST CRIME*

Abstract: This paper brings forth an important issue of international police and criminal cooperation between the countries of Southeast Europe in the fight against crime and its most serious forms. The introduction gives a brief historical overview of the beginning of cooperation and points out to the important legal sources. More important forms and aspects of international police and criminal justice cooperation in Southeast Europe have been listed, as well as major international organizations. The final part indicates the prospects of cooperation in the Balkans and further connection with the institutions and bodies of the EU and Europol, particularly in the context of the application of Serbia and other former Yugoslav republic to join the Union.

Key words: crime, international criminal and police cooperation, SEE, EU.

1. Introduction

Crime is one of the most dangerous social phenomena that in peacetime undermines the foundations of modern society. Especially dangerous is the transnational organized crime, terrorism and other

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serious forms of crime. In countering this scourge countries can not operate in isolation and only through national authorities, because crime knows no borders, it is adaptable to all changes and extremely agile. Especially mobile is organized crime and its manifestations that go for profit and which have entered into all aspects of society, infiltrated into the various state authorities and are threatening to collapse the community from within and establish an alternative (criminal) system of values in the community. Corruption is the main mechanism for achieving this monstrous objective and it is hard to resist even by the most developed and richest countries worldwide.

International cooperation of the countries in the fight against crime is imperative for survival in the present moment and a very important defense mechanism of society and its values. Without the full cooperation of states and international organizations there is no chance of success of humanity in this important mission because safety and crime prevention are prerequisites of preserving the social basis and a necessary foundation for its further upgrading. This is especially important in multi-ethnic communities such as the SEE region and particularly the former Yugoslavia, where cooperation is a precondition for peaceful coexistence of different nations, religions and cultures. The situation is aggravated by the passed war conflicts in this region and their disastrous consequences, then many unsolved problems (succession, political relations, the status of refugees, the status of Kosovo and Metohija) and other relics of the past that are a constant source of tension in our region.

In the fight against organized criminal groups operating in the region and the wider environment adopted are relevant bilateral and multilateral agreements, accepted modern criminal procedural mechanisms and established specialized organizations that should facilitate the international criminal legal assistance and police cooperation. Regional initiatives and organizations are linked to broader processes on the continent, especially with the current EU enlargement and the accession of new states. That implies compliance and implementation of European values in all spheres and, in this regard, in the field of justice, home affairs and security. Regional cooperation is largely based on known larger forms such as co-operation at the UN level (Interpol), followed by Europe (OSCE), especially the EU (Europol) and others. There is no need to specifically point out to the importance of cooperation in the current

moment, it is sufficient to recall the migrant crisis as a result of wars in the world (Syria, Afghanistan, etc.) and the last terrorist attacks in Europe (France, Germany), when a large number of innocent citizens were killed.

2. INTERNATIONAL POLICE AND CRIMINAL LAW COOPERATION

a) The idea of international police and criminal law cooperation was launched at the end of the nineteenth century when anarchism appeared, then the most dangerous form of crime, which has threatened the ruling monarchies and the elite in the fight against precursors of today's terrorism¹. In Prussia the idea of the establishing a Police Union of German states was initiated (1851-1866) in order to protect society from subversive activities and to suppress political opposition². There were a number of international conferences devoted to the reform of the penal system, humanization of sanctions, crime prevention and cooperation between states. The most important event of the time was an anti-anarchist conference that was held in Rome (1898), which adopted the resolution that foresees the establishment of national anti-anarchistic units, police cooperation and exchange of information³. The following conference was held in St. Petersburg (1904) when the "Secret Protocol for International War Against Anarchism" was adopted. Then the International police convention (1905) was signed and the Convention on the protection of society and police cooperation (1920) was adopted⁴.

In Monaco (1914) the 1st Congress of the International Judicial Police was held, where they discussed issues of extradition, communication, records, organization of international police and others⁵. In Vienna (1923) the Congress of the International Criminal Police was held when

¹ Lazarević V., *International police – history, work and results*, Internal edition, Belgrade 1933 pp. 7–11.

² R.A.Wright, J.M. Miller, *The Encyclopedia of Criminology*, Routledge, New York 2005, pp. 795–798.

³ R.B.Jensen, *The International Anti-Anarchist Conference of 1898 at the Origins of Interpol*, *Journal of Contemporary History*, No 2, 1981, pp. 322–323.

⁴ More: A.Geifman A, *Thou Shalt Kill: Revolutionary Terrorism in Russia 1897–1917*, Princeton University Press, 1995.

⁵ Nikač Ž., *International police cooperation*, KPA, Belgrade, 2015. P. 25–30.

the International Criminal Police Commission was established to discuss the following questions: international police relations, the fight against international criminals, combating drug smuggling, extradition, the use of technical means and others¹.

Both pre-war conferences were attended by representatives of the Kingdom of Yugoslavia.

After the Second World War in Brussels (1946) ICPC reunion conference was held and the principles of universality, anti-crime solidarity and apolitics were reaffirmed². At a conference in Vienna (1956) today's Interpol was established as an international organization of criminal police that is the headquarters of the international police cooperation in the fight against crime and which has been awarded a special status in the UN (1982)³. Representatives of the new Yugoslavia took part in the work of conferences, which at the time was the only socialist country member of Interpol.

b) Legal sources of international criminal and police cooperation are norms of international and domestic law. International sources include general norms of international law and other sources of public international law, while the individual sources are related to the significant resolutions, declarations, conventions, memorandums, contracts and other binding acts (Article 38 of the Statute of the International Court of Justice)⁴.

In the field of international police and criminal cooperation the most important international sources are the Constitution of Interpol⁵, the United Nations Convention against Transnational Organized Crime ("Palermo Convention")⁶, a set of documents on the fight against terrorism and regional sources such as the Convention on international police

¹ Nikač Ž., International police cooperation, KPA, Belgrade, 2015. P. 25–30.

² Nikač Ž., *Transnational cooperation between countries in the fight against crime: Europol and Interpol*, the Institute for textbooks and teaching aids, Belgrade 2003, 63 to 65.

³ Op.cit. u nap.5.

⁴ More: Kreča M., International Public Law, Faculty of Law, Belgrade, 2016

⁵ Constitution of Interpol, Internal edition, SSUP, Belgrade, 1956 (basic text) More: www.interpol.int/public/ (22/09/2016)

⁶ UN Convention against Transnational Organized Crime, UN, Treaty Series, vol. 2225. More: <https://www.unodc.org/documents/treaties/UNTOC/Publications/TOC%20Convention/TOCbook-e.pdf>, (23/09/2016).

cooperation in SEE,¹ the SELEC Convention² and others. Great importance is given to regional initiatives, processes and mechanisms such as: Cooperation process between SEE countries (CPSEE), Stability Pact for SEE (SPSEE), the Regional Cooperation Council (RCC) and others³.

Internal legal sources refer to the provisions of national law which regulate international cooperation in relation to criminal law and police power. In Republic of Serbia more important sources in this area are: Constitution of Republic of Serbia⁴, the Criminal Procedure Code⁵, Criminal Code⁶, Law on Mutual Legal Assistance in Criminal Matters⁷, Law on Foreign Affairs⁸, the Police Act⁹, Law on organization and jurisdiction of state authorities in fighting organized crime, corruption and other especially serious crimes¹⁰, etc. In Croatia, more important legal sources in this matter are the Constitution of Republic of Croatia¹¹, the Criminal Procedure Act¹², the Criminal Code¹³, the Law on Mutual Legal Assistance in Criminal Matters¹⁴, the Police Act¹⁵, Law on the Office for Combating Corruption and Organized Crime¹⁶ and others.

¹ Law on Ratification of the Convention on Police Cooperation in SEE, OG IA RC No 70/07, Law on Ratification of the Protocol on the Privileges and Immunities of the Centre for the Implementation of Laws in South East Europe, OG IA Croatia No 5/12

² Law on Ratification of the SELEC Convention, OG RS - IA No.08 / 11

³ More: Nikač Ž, Juras D, *International Police Cooperation in Southeast Europe in the function of security*, Institute of Comparative Law, Foreign Legal Life, no 3/15, 2015, pp. 283-302.

⁴ OG RS No 98/06

⁵ OG RS No 72/11,101/11,121/12,32/13,45/13 i 55/14

⁶ Criminal Code RS, OG 85/05, 88/05, 107/05, 72/09, 111/09, 121/12, 104/13, 108/14

⁷ Law on Mutual Legal Assistance in Criminal Matters, OGRC No 20/09

⁸ OG RS No 116/07, 126/07, 41/09

⁹ OG RS No 06/16

¹⁰ OG RC No 42/02, 27/03, 39/03, 67/03, 29/04, 58/04, 45/05, 61/05, 72/09, 72/11, 101/11, 32/13

¹¹ OG RC No 56/90,135/97,08/98, 113/00,124/00,28/01,41/01,55/01,76/10, 85/10, 05/14

¹² OG RC No 152/08,76/09,80/11,121/11,91/12,143/12,56/13,145/13,152/14

¹³ Criminal code RC, OG No 125/11, 144/12, 56/15, 61/15

¹⁴ OG RC No 178/04

¹⁵ OG RC No 34/11,130/12,89/14,151/14 i 33/15

¹⁶ OG RC No 76/09, 116/10, 145/10, 57/11, 136/12, 148/13

c) The subjects of cooperation are states - state authorities (police, prosecution, courts, agencies) and international organizations (governmental and nongovernmental). As an important mechanism of international police cooperation in practice are present current liaison officers, attachés and missions.

Shapes and forms of cooperation are different and according to the character, cooperation is multilateral, regional and bilateral. According to the content of the most important forms and types of cooperation are: exchange of information, taking measures and actions at the request of a foreign state (international arrest warrants, arrests, interrogations, detention, extradition), joint actions, joint investigation teams, technical assistance, training of staff and others¹.

3. REGIONAL FORMS OF POLICE AND JUDICIAL CO-OPERATION

International cooperation of the countries takes place at the bilateral, multilateral and regional level. Regional cooperation is related to certain security issues, challenges, risks and threats, and therefore has different forms and aspects. Each region has its own peculiarities and circumstances that are important for a better understanding of international relations. The Balkan region has an important geo-strategic position and it is the intersection of important roads that connect the west and east. Particularly significant is the central part that covers the territory of ex Yugoslavia which has in the recent past been traumatized by war. A large number of casualties, refugees, enormous material damage and other consequences are felt even today.

On the other hand, wars have been an ideal opportunity for organized crime groups from the region which were not disturbed by boundaries and barriers, but have continued their criminal activities and strengthen mutual ties and cooperation. Lack of cooperation between countries and the transition process which is still ongoing were particularly favorable for criminal groups. Looking for extra profit transnational organized crime has found its place in the region and gained a whole

¹ Neškovic S., *International police cooperation*, "Security" No 05, Belgrade 2005, pp. 754-769.

new dimension and threatened to invalidate the results of the countries in transition and bring down the young democratic institutions.

Regional cooperation in fighting crime is imperative for the survival of the nations and the state, in the function of peace and stability in the region. The most important acts of cooperation are taken on the basis of the aforementioned legal sources, primarily the Convention on International Police Cooperation in SEE and the SELEC Convention.¹ An integral part of cooperation is made of *various initiatives, processes and mechanisms*, such as: Cooperation process between SEE countries (CPSEE), Stability Pact for SEE (SPSEE), the Regional Cooperation Council (RCC) and others².

In our opinion, significant mechanisms and forms of organization of regional police and judicial cooperation are: Migration, Asylum, Refugees Regional Initiative, Regional Anti-Corruption Initiative, Southeast Europe Police Chiefs Association, Network of Police Officers, Police Forum, Center for Cooperation of Law Enforcement Agencies and others. The following is a brief overview of the most important organizations.

a) SEPCA (Southeast Europe Police Chiefs Association) was founded to help in transformation of national police forces of the region. The formation of the organization was financially helped by developed Western countries and particularly Canada, by engaging members of the Royal Police Service.³

The main role of SEPCA is to be the leading regional organization for the promotion of international police cooperation, the continuous development and application of democratic principles in the functioning of police⁴. In addition to the above tasks of the organization are

¹ See more: Božić, V: *Labor exploitation as the most common form of the crime of trafficking in human beings in spite of the state border control and the labor market*, Proceedings of the Faculty of Law in Niš, 2016

² Nikač Ž., Šimić B, and Artonović N., *International police cooperation in SEE*, Scientific conference with international participation "Law and social reality", PF Priština, Proceedings, Volume 1, K. Mitrovica 2014, 369–382.

³ D. Đukanović, G. Nikolić, *Cooperation of the countries of Southeast Europe in the field of justice and home affairs*, NBP No. 1, Belgrade 2008, 37–53.

⁴ Nikač Ž., Šimić B, *Southeast Europe Police Chiefs Association – SEPCA*, International scientific conference "EU and the Western Balkans – challenges and perspectives" IMPPi "Hanns Seidel", Proceedings, Belgrade 2014, p.424–436.

the development of cooperation of national police forces, exchange of information and experience and others.

The organization has good cooperation with Interpol, which is a leader in the field of international police cooperation in the world, primarily through projects to combat organized crime etc. (BESA, I-24/7, Red Path, Pink Panther, etc.). The organization has established cooperation with other partners, among them are the EU (European Commission, Europol), UNDP, RCC as the successor of the Stability Pact, the Regional Arms Control Verification and Implementation Assistance Centre (RACVIAC) Stability Pact Anti-Corruption Initiative (SPAI), Migration, Asylum, Refugees Regional Initiative (MARRI), the International Association of Chiefs of Police (IACP), Police Cooperation Convention (PCC) and others¹. The organization has signed several memoranda of understanding (e.g. Austria, Italy) and completed a special operational agreement with the FBI, which is a platform for projects, training of personnel, joint operations in the fight against the high-tech crime and other forms of crime.

Under the auspices of the organization realized are important projects such as: Joint training for the fight against organized crime for operational management in South East Europe (OCTN - Organized Crime Training Network), Women Police Officer Network (WPON), BESA project, BLED project to combat crimes related to the theft of vehicles (BLED process on Stolen Vehicle Crime), Community policing, Balkan Child Police Academy, Communications and WEB Project), I-24/7 Main checking Point Connection, Intelligence Led Policing and others².

b) Police Forum – (PF) is an informal form of cooperation between the countries of the region that was initiated with the aim to reinforce and accelerate reforms in the security sector in the region, and above all the police reform as a public service, which is a service to citizens ("community policing").³

Police forum realizes more activities and projects, in the context of the subject the most important are the following projects: Project of Regional Police Training – RPT, Organized Crime Training Network –

¹ Op.cit. u nap.5.

² *Ibid.*

³ More: Nikač Ž. *Community Policing*, KPA, Belgrade, 2014.

(OCTN) and the Stolen Car project – SC¹. We remind that the OCTN project is launched in cooperation with SEPICA, RCC (ex Stability Act for SEE) and financially supported by the EU (European Commission)².

c) *Migration, Asylum, Refugees, Regional Initiative* (MARRI) is an important form of formal cooperation between countries in the region established after the merger of Initiative on Migration and Asylum and Initiative on Regional Return of Displaced Persons³.

The main goals and objectives of the organization are the management of migration and border control, asylum and visa regimes according to relevant European standards and good practice. The idea is to implement a program of assistance to migrants, asylum seekers and other displaced persons. Particularly important is the coordination of the states in the context of integrated border management, the processes of migration, asylum, visa and others. The organization has built a network of organs and cooperates with the UN (UNHCR), the EU (European Commission), OESC, PECS, IOM and others⁴.

Professional organization has launched a number of projects dealing with the construction of a unified database to combat human trafficking and support victims, increase document security, effective control of illegal migration and more successful cooperation between the SEE countries.

Due to the current migration crisis, which is a first-class worldwide problem since the beginning of 2015, priority actions are combating illegal migration, strengthening regional cooperation, the implementation of the readmission agreements etc⁵. As a result of cooperation between the countries of SEE, MARRI and the EU the control of external borders of the EU has been strengthened and also the borders of the countries that are not members, and therefore mixed police patrols of SEE countries and the EU have been deployed at the borders with the

¹ Op.cit. u nap. 30

² Đukanović D, Nikolić G, *Cooperation SEE countries in the field of justice and home affairs*, NBP No. 1, Belgrade 2008, 37–51.

³ From: <http://www.marri-rc.org> (28/09/2016)

⁴ „Joint Statement, Ministerial SEECF Meeting/Regional Forum of MARRI“, Herceg Novi 2004

⁵ Lopandić D, Kronja J, *Regional initiatives and multilateral cooperation in the Balkans*, European Movement in Serbia and Friedrich Ebert Foundation, Belgrade, 2010, pp. 205–207.

aim of combating all forms of crime (e.g. Republic of Serbia and Hungary, Republic of Serbia and Macedonia with the help of Austria and Germany) and the accelerated process of readmission of fictitious asylum seekers¹.

d) Regional Anti-Corruption Initiative (RAI) is designed as a kind of a formal cooperation between countries in the region and beyond. The main objective is to combat corruption and build democratic institutions in countries that are in transition and have no protection mechanisms.

Within RAI certain projects have been launched such as research on the independence of the judiciary, then together with UNODC on the development of mechanisms to control the judiciary and law enforcement.

The problem of corruption is evident in Republic of Serbia and other countries of the former Yugoslavia. State bodies, non-governmental organizations from the civilian society and international organizations are employed at its resolution. Thus, adopted were more program and other documents such as the Anti-Corruption Strategy, the Action Plan and others.

The most important regulation is certainly the Criminal Code of Republic of Serbia, which provides several corruption offenses, while other provisions of the law provides for complementary measures (e.g., confiscation of proceeds of crime). In addition to the legal framework it is important to have an operative reaction of the countries of the region that have formed specialized bodies and special teams modeled on the ones in developed countries².

In fighting corruption the countries in the region have taken certain obligations relating to the implementation of enacted GRECO program³, and in this regard a number of recommendations

¹ MUP RS, www.mup.gov.rs (28/09/2016).

² Nikač Ž., Place and role of Ministry of Interior of Republic of Serbia in the fight against corruption – international and internal aspects, International conference: "Corruption and human freedom", Proceedings UMKP RS, Tara, 2009, pp. 408–424.

³ GRECO has established the Council of Europe in 1999 to oversee the process of harmonization of the Member States with CoE standards in the fight against corruption. GRECO members are all member states of the Council of Europe (47) and the United States. More: www.coe.int/greco (29/09/2016).

relating to social conditions, the work of state bodies and mechanisms of protection.

RAI is today an important regional mechanism for cooperation between governmental, non-governmental and civil sector in this area, with periodic organization of seminars, workshops, conferences and other forms of education.

e) *Southeast European Law Enforcement Center* (SELEC) is today the most important mechanism of cooperation between the countries of the region to fight cross-border crime, as the legal successor of the former SECI Center¹.

Previously, in 1999, *Regional Center for Combating Transborder Crime* (SECI) was formed with headquarters in Bucharest. Members of the organization are countries from the former Yugoslavia, countries in the region (Albania, Bulgaria, Greece, Moldova, Romania) and others (Turkey, USA). Members are committed to achieving mutual cooperation, exchange information, conduct joint investigations and take actions in order to prosecute perpetrators of crimes in the field of cross-border crime². At the headquarters of the organization the members are represented through liaison officers for police and customs affairs, while in the countries there are established national contact point for cooperation with the Center (National Focal Point).

On the basis of the *Convention on Southeast European Law Enforcement Centre* (SELEC, 2009) the process of transforming an organization that is composed of permanent representatives (13) and a significantly higher number of observers (23) has been formally and legally completed³. Responsibilities of the Center have been significantly expanded in terms of implementation and enforcement of the law, while the special relationship is built with the United States that are crucial help in the establishment of the Center, especially financially and the expertly⁴. Center has good cooperation with Interpol and other

¹ More: <http://www.secicenter.org/m106/About+SELEC> (29/09/2016).

² More: Nikač, Ž., Božić, V: *Combating criminal acts of illegal migration in the area of the region with particular reference to the Republic of Croatia and the Republic of Serbia*, Pravna riječ, Banja luka, 2016.

³ Lopandić D., Kronja J., *Regional initiatives and multilateral cooperation in the Balkans*, European Movement in Serbia and Friedrich Ebert Foundation, Belgrade, 2010, 208, fn. 41.

⁴ From: www.selec.org (30.09.2016).

relevant organizations for combating crime, in particular elements of foreign and cross-border crime.

The most important *forms and mechanisms of cooperation* are: exchange of information, joint investigations and joint investigation teams as well as punishment for cross-border crime¹. The most complex and the most important aspect of activities, in addition to joint investigation teams and the development of strategic analysis, are regional operations. During the operation at the headquarters is established an Operational Coordination Unit (OCU – Operational Coordination Unit) in the form of headquarters, composed of liaison officers of the members².

A significant form of work are the Working Groups for combating certain forms of crime³, such as to control: a) human trafficking and smuggling of migrants, b) illegal production and trafficking of narcotic drugs, c) fraud and smuggling, d) high-tech and economic crime, e) trade in stolen vehicles, f) terrorism and g) transport of dangerous goods⁴.

CONCLUSION

Global international co-operation of states in all fields is a necessity of the 21st century and the prerequisite for the development and survival of states in the international community. This applies in particular to preventing the most serious forms of crime as stipulated under the legislation of the UN and the EU which requires member states to harmonize their positive legislation in line with international instruments. *Cooperation in the fight against crime takes place at the bilateral, regional and multilateral level.*

¹ „Agreement on Cooperation to Prevent and Combating Transborder Crime“, Bucharest, 26 May 1999, Internet, http://www.seccenter.org/p169/Legal_framework_SECI_Agreement (30/09/2016)

² Pena U, Sikimić N, The emergence and development of international police cooperation, International Association of criminalists, Banja Luka 2011, 184–191.

³ More: Božić, V., Nikač, Ž: Criminal incriminations based on the United Nations Convention against transnational organized crime in the criminal legislation of the Republic of Croatia and the Republic of Serbia, Faculty of security, Skopje, 2016.

⁴ From: <http://www.mfa.gov.rs/sr/index.php/spoljna-politika/eu/regionalna-saradnja/seci?lang=lat> (23.04.2015)

More: SEPCA Constitution, Strategy for the period 2010-2013, operational documents, reports and information from the archives of the Center.

Bilateral and regional cooperation of neighboring countries in combating cross-border crime and the fight against transnational organized crime is of crucial importance. Among the countries of the SEE region which belong to countries of the former Yugoslavia and that have suffered severe consequences due to the conflict, cooperation is necessary due to increased crime rates and cohesion of criminal organizations. International criminal law and police cooperation SEE is based, primarily, on the Convention on international police cooperation and the SELEC Convention on the basis of which important mechanisms of cooperation have been developed and achieved significant results in the fight against cross-border and organized crime. Cooperation is achieved with great support of the US and EU countries in order to reduce the crime rate in the SEE region.

Finally, we should point out the need for constant monitoring of new forms of crime, more sophisticated methods of operation of criminal organizations as well as alternative routes of movement of criminals, therefore adequate response at national and international level is indispensable.

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Львів

Шинкар Т. І.	
НАУКОЗНАВЧЕ ПІДРУНТЯ ДОСЛІДЖЕННЯ ЗАРУБІЖНОГО ДОСВІДУ ЗАСТОСУВАННЯ МЕДІАЦІЇ ПІД ЧАС ВИРІШЕННЯ СПОРУ В СУДІ.....	368
Яковініч В. А.	
МІЖНАРОДНЕ СПІВРОБІТНИЦТВО У СФЕРІ ПРОТИДІЇ ТЕРОРИЗМУ.....	372
Лосек Кшиштоф	
САМОВРЯДНА АДМІНІСТРАЦІЯ БЕЗПЕКИ ТА ГРОМАДСЬКОГО ПОРЯДКУ У РЕСПУБЛІЦІ ПОЛЬЩА.....	377
Вічяк Кшиштоф, Косінський Єжи	
АНАЛІТИЧНО-РОЗВІДУВАЛЬНИЙ ЦЕНТР І ВДОСКОНАЛЕННЯ БОРОТЬБИ З КІБЕРЗЛОЧИННІСТЮ ЯК ПРИКЛАД ПРАКТИЧНОЇ ПРОТИДІЇ КІБЕРЗЛОЧИННОСТІ В СУЧАСНИХ УМОВАХ.....	383
Трухан Я. Радослав	
СУЧАСНА ФОРМА ВЕРХОВЕНСТВА ЗАКОНУ ДЛЯ ЗАХИСТУ КОРДОНУ ЄВРОПЕЙСЬКОГО СОЮЗУ.....	394
Косінський Єжи, Євартівський Блажей, Шмігельський Радослав, Душинська Анна	
МОБІЛЬНИЙ АВТОНОМНИЙ ДЕТЕКТОР І АНАЛІЗАТОР КАПА.....	401
Федевич Генрик, Віолетта Палеолог Деметракі	
СУЧАСНІ ТЕХНОЛОГІЇ НАВЧАННЯ В КОНТЕКСТІ БЕЗПЕКИ ПРАЦІ В ПОЛЬСЬКІЙ ПОЛІЦІЇ.....	412
Кульчицький Адам	
ГРОМАДСЬКА БЕЗПЕКА І ЗАХИСТ В ПОЛЬСЬКИХ РЕАЛІЯХ ПОЛІТИЧНОГО ЖИТТЯ ТА МІСЦЕВОГО САМОВРЯДУВАННЯ.....	419
Кавецький Анджей	
COMMUNITY POLICING – ПАРТНЕРСЬКА УЧАСТЬ МІСЦЕВИХ ГРОМАД У ДІЯЛЬНОСТІ ПОЛІЦІЇ.....	424
Желько Нікач, Ванда Божич	
МІЖНАРОДНЕ СПІВРОБІТНИЦТВО КРАЇН ПІВДЕННО- СХІДНОЇ ЄВРОПИ У БОРОТЬБИ ЗІ ЗЛОЧИННІСТЮ.....	431
Джудіт Надж	
ПЕРЕОСМИСЛЕННЯ КЛЮЧОВИХ ЕЛЕМЕНТІВ СПІВРОБІТНИЦТВА ЄВРОПЕЙСЬКИХ ПРАВООХОРОННИХ ОРГАНІВ ПО БОРОТЬБИ З ТЕРОРИЗМОМ. ЗАГРОЗИ – ТЕРОРИЗМ ІНСТРУМЕНТИ – ТЕНДЕНЦІЇ – НАВЧАННЯ – ДОВІРА.....	444