

## INTERNATIONAL LEGAL FRAMEWORK FOR COMBATING ORGANIZED CRIME\*

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### **Abstract**

Organized crime, besides terrorism, is the biggest threat to modern society in peacetime conditions. In the fight against the most serious forms of organized crime, the legislative framework as a basis for the treatment of specialized bodies and the processing of perpetrators is very important. At the international level, undoubtedly the most important document is the UN Convention against Transnational Organized Crime and additional Protocols: I- for the prevention, suppression and punishment of trafficking in human beings, women and children; II- against the smuggling of migrants and III- against the illegal production and trafficking of firearms, its parts, assemblies and ammunition. At the regional level, the most important international documents are the Vienna Convention on International Police Cooperation and the SELEC Convention. The States Parties have undertaken to harmonize their national legislation, including Croatia and Serbia, which have adopted *lex specialis* regulations for the fight against organized crime. The regulations that regulate the criminal procedure, seizure of property acquired through criminal offenses and others were adopted. As a member of the EU, Croatia is in a better position, while Serbia is in the process of negotiations on the application for admission.

**Key words:** organized crime, combating, international legal framework, special investigative techniques and authorities.

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## INTRODUCTION

*Organized crime and terrorism* today represent the greatest challenge for the international community and are seriously treating to demolish all the achievements of human civilization. These are the most difficult forms of crime that are causing extreme disturbance of the public and the fears of ordinary people who go hand in hand with technical and technological development and other benefits of the modern world, such as border openness, free flow of goods, people and capital.

Especially concerned are the *new emerging forms* of organized crime such as high-tech crime, trafficking in human beings, children and human organs, equally affecting the developed, undeveloped and transitional countries. In some communities some forms of organized crime such as narcotics smuggling are even accepted and enjoy the favor of the poorer population, as is the case in Latin and South America. Former member states of the socialist bloc are also much targeted because in the process of social and economic transformation they do not have good legislation, they do not have specialized bodies and mechanisms for combating organized crime. In the same way this applies to the member states of the former SFRY who, after the war, entered the process of transition, social and economic reforms. Inevitable companion of the transition was organized crime with its most severe forms, which sought ways to making profits, especially with minimal risks. The gravity of the problem is further influenced by the *transnational* nature of organized crime in terms of involving actors from many countries in the preparation, execution and concealment of criminal offenses of organized crime. The consequences, as a rule, affect injured persons from different environments, and other elements are also present.

*Suppression of organized crime* goes beyond national frameworks as this phenomenon itself has an international dimension and demands the same response. The fight against the most serious forms of organized crime has a *legislative aspect* (international and national legal sources) and *operational/functional*, which includes the activities, measures and actions of specialized bodies of states and international organizations in the fight against organized crime.

At the normative level, the initial step was the adoption of several major international legal sources in the form of conventions, resolutions, declarations documents under UN, SE, EU. Certainly, the most important document is the UNCATOC Convention and the Additional Protocols on the basis of which the signatory states were obliged to harmonize national legislation, to form specialized bodies for combating organized crime and to take steps to align the judicial practice

in the procedures with the elements of organized crime. The same response was made by Croatia and Serbia, which signed and ratified the Convention, after which they adopted *lex specialis* regulations for the fight against organized crime. As a member of the EU Croatia is in a more favorable position, while Serbia is in the process of negotiating on the application for accession.

## UN CONVENTION AGAINST TRANSNATIONAL ORGANISED CRIME

The UN Convention against Transnational Organized Crime (UNCATOC) was adopted in 2000 at the Palermo in Italy.<sup>18</sup> Additional documents were adopted for the purpose of its application: Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Protocol against the Smuggling of Migrants by Land, Sea and Air,<sup>19</sup> and Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition.<sup>20</sup> The Republic of Croatia and Serbia, like most other countries, have signed and ratified UNCATOC and the Additional Protocols.

The Convention is a brief and relatively revised document aimed at the joint combating and cooperation of states in the fight against transnational organized crime, which defines the basic concepts: organized criminal group (2 or more persons, agreed organized crime), heavy crime (prison min. 4 years), confiscation of property, controlled delivery (Nikač 2015, 215-269). As a transnational criminal offense (art.3 par.2), an act having elements of foreignity is defined in regards the place of execution, action, phase of crime and consequences (Zlatarić 1979, 6-7). The application envisions the prevention, investigation and prosecution of persons for serious crimes committed, participation in organized crime groups, laundering of profits gained by criminal acts, corruption and obstruction of justice as a criminal offense.

The States Parties undertook to adopt national laws and regulations for the suppression of organized crime. One of the most important measures is aimed at combating *money laundering* (art.6-7 UNCATOC) with the aim of disabling and punishing the conversion and transfer of property acquired by crime, helping to hide and conceal the illegal origin of property, obtain, possess or use property acquired by

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<sup>18</sup> United Nations Convention against Transnational Organized Crime, UN, Treaty Series, vol. 2225, 2000.

<sup>19</sup> Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, available at: <https://www.ohchr.org/Documents/ProfessionalInterest/ProtocolonTrafficking.pdf>, Protocol against the Smuggling of Migrants by Land, Sea and Air, available at: [https://www.unodc.org/documents/middleeastandnorthafrica/smuggling-migrants/SoM\\_Protocol\\_English.pdf](https://www.unodc.org/documents/middleeastandnorthafrica/smuggling-migrants/SoM_Protocol_English.pdf)

<sup>20</sup> Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, available at: [https://treaties.un.org/doc/source/recenttexts/18-12\\_c\\_e.pdf](https://treaties.un.org/doc/source/recenttexts/18-12_c_e.pdf) (01.09.2018)

crime (Božić, Nikač 2018, 454-467). Measures include *control* and *supervision* of banks, non-banking financial institutions that can participate in money laundering (records, client identities, suspicious transactions), insight into suspicious transactions, tracking cash movements and transferable payment instruments across borders.

Emphasized is the fight against *corruption*, especially in public (state) sector, but without neglecting the private sector (Božić 2016, 831-846). Adopted was an extensive notion of corruption under which any promise, offer or giving an undue advantage to a civil servant, to act or refrain from performing official duties, as well as any solicitation or acceptance of an undue advantage by a civil servant for work or maintenance of duty. In this context, the states are obliged to adopt measures against corruption and to enable the effective functioning of state organs in preventing, detecting and punishing corrupt officials (Art.9).

Provisions of a *procedural* and *legal* nature are particularly important regarding: prosecution, trial and pronouncement, confiscation of property, international cooperation and disposal of confiscated property (Božić, Kesić 2016, 455-483). In the criminal proceedings, the state and their organs start from the seriousness of the criminal offenses. An extremely important mechanism of the fight against organized crime is *confiscation and seizure of property acquired by criminal offense* while special modalities foresee the freezing of assets and the deviation from the banking secret (Art.12-14). These are the powers to take away the financial power of organized crime groups, and thus the operational effectiveness of the criminal offenses.

The Convention elaborates on the application of more important *legal institutes* such as jurisdiction, extradition, transfer of persons and mutual legal assistance (Nikač 2015, 79-89). The process legal issues of international co-operation are regulated at the national level in Serbia by the provisions of the *International Criminal Assistance Act*,<sup>21</sup> while the Criminal Procedure Code (CPC) is used subsidiary. In Croatia, these issues are also addressed by the provisions of the *International Legal Aid Act in Criminal Matters*<sup>22</sup> and the Provisions of the CPC.

Significant software for combating the most serious forms of organized crime is the *Joint Investigation Team* (JIT) with regard to investigation, prosecution or judicial proceedings. Teams are formed on the basis of concluded bilateral or multilateral agreements, and if no agreement exists, joint investigations are undertaken on the basis of a deal for a specific case (Nikač, Božić, Simić 2017, 269-284). Within the framework of the EU, a specific JIT Manual was issued, which among other things

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<sup>21</sup> International Criminal Assistance Act, OG no.20/09

<sup>22</sup> International Legal Aid Act in Criminal Matters, OG no.178/04

states that "a joint investigation team provides the best platform to opt for an optimal investigation and prosecution strategy."<sup>23</sup>

*Special investigative techniques* (Art.20) include specific methods for documenting and detecting criminal offenses of organized crime: controlled delivery, electronic monitoring, surveillance, secrecy, interception, undercover investigator, protected witness, cooperative witness. These are methods without which it is not possible to combat organized crime, which enable the collection of valid evidence for prosecuting perpetrators and their sanctioning in a regular court proceeding. States Parties have, through national criminal legislation and *lex specialis* regulation, developed techniques and foreseen by specialized bodies for combating organized crime. Serbia did so by the provisions of the CPC, where it envisaged general (Art.85-160) and special evidence actions (Art.161-187),<sup>24</sup> and provisions of the Law on Organization and Competence of State Authorities in Suppressing Organized Crime, Terrorism and Corruption.<sup>25</sup> Croatia has regulated the same mechanisms with the provisions of the CPC,<sup>26</sup> while the provisions of the USKOK Act<sup>27</sup> foresee specialized bodies and their permanence in this matter.

The Convention provides for significant *mechanisms for support in criminal proceedings*: criminal proceedings, reports from the Criminal Records, sanctioning of justice, protection of witnesses, assistance to the protection of victims and measures for improving police cooperation (Art.21-27). The protection of witnesses is of special importance for the success of the trial and states are obliged to take measures of protection from retaliation or the intimidation of the witness, while providing protection to vulnerable relatives and close persons. In this sense, measures of physical protection, resettlement and change of identity are taken (Božić, Nikač 2016, 89-111).

*International criminal-law cooperation* is a necessity in suppressing transnational organized crime (Bossard 1990). The most important form of cooperation is the exchange of information of operational character that relates to: the identity and location of the suspects, criminal activities, property acquired by criminal offenses, equipment and means for the commission of criminal offenses of organized crime (Nikač 2014, 134-158). The Convention also envisages other aspects and forms of cooperation such as training of personnel, technical support, economic and other types of assistance (Art.30-31).

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<sup>23</sup> JITs Practical guide, CoE, 04.11.2011 (15790/1/11, REV 1)

<sup>24</sup> Criminal Procedure Code, OG no.72/11,101/11, 121/12,32/13, 45/13 i 55/14

<sup>25</sup> Law on Organization and Competence of State Authorities in Suppressing Organized Crime, Terrorism and Corruption, OG no.94/16

<sup>26</sup> Criminal Procedure Code, OG no 152/08, 76/09,80/11,121/11,91/12,143/12, 56/13, 145/13, 152/14, 70/17

<sup>27</sup> USKOK Act, OG no 76/09116/10,145/10,57/11,136/12,148/13,70/17

It should be noted that UNCATOC is the most important international document for the suppression of organized crime and the basis for the national legislative decisions of the signatory states.

## **ADDITIONAL PROTOCOLS WITH UNCATOC**

*Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children* was adopted as an instrument for the prevention, suppression and punishment of trafficking in human beings, especially women and children. For the purpose of effective prevention of trafficking in human beings, women and children, the Protocol promotes a comprehensive *international approach* in the countries of origin, transit and destination. This implies a *multi-agency approach* that includes *measures* to prevent trafficking, punish offenders, protect victims and internationally recognized human rights (Božić, Nikač 2018, 329-335). States Parties agreed to harmonize legal standards and adopt measures to sanction attempts, complicity, organization and ordering others to commit a criminal offense.

The paramount issue is the *protection of victims* of illegal trafficking in human beings, women and children. The Protocol provides for specific *measures* to provide the physical, psychological and social recovery of victims, namely: provision of housing and living conditions, information and expert advice, medical, psychological and material assistance, education, employment (Art.6). In the victim assistance procedure, sex, age, special needs of the victim, special needs of the child, the right to material reimbursement are taken into account. Suggestions are also made on the status of the victim, repatriation and the possibility of return to the state of origin (Božić 2016, 267-288).

In the fight against trafficking in human beings and other forms of organized crime, the most important tool is the *exchange of information* between the signatory states as well as the mutual cooperation between specialized law enforcement agencies and migration (Art.10). At issue is the collection and submission of data on individuals and groups who cross the border, illegal activities they are engaged in and particularly on illegal trafficking.

In the fight against trafficking in human beings, measures are to be taken *at the border* that the state parties are obliged to establish, such as the obligation for the carriers (commercial, transport companies, owners and carriers of any means of transport) to certify that all persons have a travel document necessary for entry into the receiving state (Art.11). States Parties are required to provide valid *travel documents* of the required quality so that they can not be easily misused, falsified or unlawfully changed, copied or issued. At the request of another country, the signatory shall, within a reasonable time and in accordance with the internal regulations,

validate the validity of the issued travel and personal documents suspected of being used for the illicit trafficking of human beings (Art.13).

In the implementation of the UNCATOC and the Protocol the states are committed to the necessary *cooperation* between border control services, establishing direct communication channels, which will enable immediate and timely exchange of information.

The basic objective of the *Protocol against the Smuggling of Migrants by Land, Sea and Air* (Božić 2015, 845-874) is to combat the smuggling of migrants and to improve the cooperation of the signatory states, with the protection of the rights of smuggled migrant workers when dealing with criminal offenses of a transnational nature arising from organized activities criminal groups. In this sense, more important terms are defined such as: smuggling of migrants, illegal entry, scope of application, criminal responsibility of migrants. (Art.3-5).

Particularly highlights the *international cooperation* of states that encompasses the co-operation of law enforcement agencies by sharing information, joint actions, technical assistance, training and other activities in the fight against smuggling of migrants by land, sea and air. States Parties undertake to combat all forms of obtaining illegal *financial or other material benefits*, in particular activities such as smuggling of migrants and facilitating smuggling (production, supply, provision or possession of false travel or identity documents), (Nikač, Božić 2016, 193-220). Regarding the *harmonization of norms*, the state has accepted that national criminal legislation incorporates and aggravating circumstances related to endangering the life or security of migrants and inhuman, degrading treatment and exploitation of migrants (Art.6).

As significant, we cite *measures on common boundaries* that include: a)points of embarkation, destination and march routes, transporters and means of transport known or suspected to be used by smuggling groups, b)identity and methods of work of organizations and organized crime groups; c)authentication and verification of the form of documents issued by the issuers-states parties, in particular as regards to theft or misuse of blank travel documents, d)means and methods of concealment of persons and transportation, unlawful alteration, reproduction or other misuse of travel documents.

Particularly important *measures to assist and protect* the rights of migrants (life, torture and other cruel, inhumane and humiliating practices and punishments), assist migrants whose lives and security are threatened, while respecting the specific needs of women and children and the return of smuggled migrants (Božić, Nikač 2018, 393-416).

The protocol is very significant today at the time of the current world refugee crisis triggered by the war conflicts in Syria, Afghanistan and Iraq, which particularly affects the countries of the EU and the countries of our region.

*Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition* was adopted with a view to improving the fight against smuggling of firearms and ammunition. Illegal production and smuggling of weapons are causing numerous adverse consequences for the security of the states, the region and the international community. Of particular concern are the activities of organized crime groups that threaten the common good, social and economic development and the right of people to live in peace, so that the state and the international community are forced to take measures at all levels.

In the Protocol, the following actions that have the characteristics of criminal offenses are cited: unlawful production of firearms, parts, assemblies and ammunition, illicit traffic of firearms, parts, assemblies and ammunition, falsification or unlawful deletion, removal or modification of firearm markings (Art.5).

Preventive measures are also envisaged: keeping records, marking firearms, temporarily disabling firearms, licensing or export licenses, import and transit systems, security and preventive measures, information, co-operation, training and technical assistance and traffic mediation (Art.7-15). Particularly significant is the measure of marking of weapons (manufacturer, state, place, serial number or geometric symbol, combination of numbers and letter markings) that allows identification and tracking of firearms, especially each piece and the one imported.

The Protocol also sets out several important *recommendations* for the signatory States. These are: Recommendations for the harmonization of national legislation and the adoption of regulations for the seizure of firearms, parts, assemblies and ammunition that have been illegally manufactured or illegally traded, and recommendations in cases of illicitly manufactured or acquired weapons, parts, assemblies and ammunition that can get into hands of unauthorized persons.

To summarize, UNCATOC and Additional Protocols (I-III) are undoubtedly the most important international legal sources in the fight against organized crime, which were the legal basis for adopting the national regulations of the signatory states that have committed themselves to the adoption of laws and the harmonization of norms. Adoption and application of these documents is particularly important today, at a time when the organized crime is experiencing expansion and is beginning to demolish all the achievements of human civilization.

## **OTHER IMPORTANT INTERNATIONAL DOCUMENTS FOR COMBATING ORGANIZED CRIME**

There are several important documents in the international legislation that are important for the fight against organized crime, which were the basis for harmonizing the national criminal law regulations of the signatory states, to which we will point out (Nikač, Simić 2013, 201-218).



*UN Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime* is a document which regulates money laundering, seizure and proceeds of crime and criminal activity (Šikman 2010, 85–103). It is unquestionable that this is a very important UNCATOC international document, which represents the legal basis for adopting national rules of the states and for taking common police measures and actions.

*The Naples Political Declaration and the Global Action Plan to Combat Transnational Organized Crime* are documents that de facto precede UNCATOC, both in the time of adoption (1994) and in content.<sup>28</sup>

*The Recommendation no. R (96) 8 of the Committee of Ministers to Member States on Crime Policy in Europe in a Time of Change*<sup>29</sup> is a significant document addressed to EU member states that emphasizes organized crime today as a global social phenomenon that equally threatens developed, underdeveloped and transitional countries.

*Council Resolution of 20 December 1996 on individuals who cooperate with the judicial process in the fight against international organized crime*,<sup>30</sup> is devoted to the development of a program of witness protection in judicial proceedings against transnational organized crime.

*UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances*<sup>31</sup> issued in 1998 with the aim of identifying effective measures against illegal drug trafficking. The Convention provides for the rights and obligations of the police, international cooperation of states and mutual legal assistance (Art.7). Particularly important measures and procedural-legal measures taken by police and law enforcement agencies are: court documents, search and seizure of objects, review of locations and objects, provision of information and evidence, identification and search for illegal gains, property, payment instruments and other objects of relevance to proving a case.

*CoE Convention on Action against Trafficking in Human Beings*, 2005<sup>32</sup> more specifically provides for international cooperation of States (Chapter VII, Art.32) based on universal principles, reciprocity principle and anti-criminal solidarity principle with a view to preventing trafficking in human beings, protecting victims, facilitating criminal proceedings and prosecuting crimes and criminals.

In our region of the most important international document for combating organized crime in particular stand out the *Convention on International Police*

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<sup>28</sup> Available at: <http://www.un.org/documents/ga/res/49/a49r159.htm>, (01.09.2018)

<sup>29</sup> Available at: <https://rm.coe.int/16804f836b>, (01.09.2018)

<sup>30</sup> Official Journal C 010, 11/01/1997 P. 0001–0002, available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A31997G0111>, (01.09.2018)

<sup>31</sup> Available at: [https://www.unodc.org/pdf/convention\\_1988\\_en.pdf](https://www.unodc.org/pdf/convention_1988_en.pdf), (01.09.2018)

<sup>32</sup> CoE Treaty Series-No.197, available at: <https://rm.coe.int/168008371d>, (05.08.2018)

*Cooperation in SEE and the SELEC Convention.* Great importance is given to regional initiatives, processes and documents such as: South-East European Cooperation Process-SEEC, Stability Pact for South Eastern Europe-SPSEE, Regional Cooperation Council-RCC (Lopandić, Kronja 2010).

*Police Cooperation Convention for SEE* (PCC SEE, 2006)<sup>33</sup> is the first-rate legal source for international police cooperation between the states of the region, particularly the suppression of transnational organized crime (Nikač, Simić 2013, 603–615). The most important goals are to deepen state co-operation, remove security threats, protect common interests and strengthen a security partnership. The Convention is complementary to the Schengen Agreement and other EU sources that stipulate that the signatory states conclude bilateral agreements, standardize communications and systems for the protection of personal data. It is about establishing an efficient system of cross-border cooperation, a joint fight against organized crime and a comprehensive international co-operation.

The Convention has established significant mechanisms of cooperation: cooperation on request, exchange of information, joint analysis of threats, regular exchange of data, liaison officers, protection of witnesses, training and exchange of experiences, prevention, urgent search, cross-border access, controlled deliveries, secret investigations, evidence collection, medical examination, DNA and others identification materials. There are also concrete forms of cooperation: cross-border operations, search, joint investigative teams, multi-border (border) patrols, joint centers, data protection, confidentiality of information (Art.26-32).

*The SELEC Convention, 2009 (Southeast European Law Enforcement Center)*,<sup>34</sup> has been transformed into an ex-Regional Center for Combating Cross-border Crime (SECI) and a Law Enforcement Center for SEE was established. The signatory states are the countries of the Region, while the material, personnel and technical support is provided by the USA and Romania as the country of the seat. For the purposes of the application and smooth operation of the Mission and Officials, the Protocol on Privileges and Immunities of SELEC was adopted (Uljanov, Oparnica 2012, 77-87). The aim of the Center's formation is the international cooperation of the countries of the region in the fight against cross-border crime, organized crime, terrorism, smuggling of people and goods, production and smuggling of narcotics and other serious forms of crime. The Center should establish and develop mechanisms of cooperation between the signatory states in the implementation of laws, mutual assistance and support in the prevention, repression and sanctioning of cross-border crime.<sup>35</sup> The basic tasks are: support for investigations and activities on the prevention

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33 Available at: <http://www.pccseesecretariat.si/> (05.08.2018)

34 Available at: <http://www.secicenter.org/m106/About+SELEC> (06.08.2018)

35 Source: <http://www.mfa.gov.rs/sr/index.php/spoljna-politika/eu/regionalna-saradnja/seci?lang=lat> (07.08. 2018)

of crime, exchange of information, criminal intelligence and requests for operational assistance, notification and informing of national points on connections between suspects, criminals or perpetrators, elaboration of an assessment of threats related to the goals, establishment, use and maintenance of a computerized information system, development of good practice, methods and techniques for implementing regulations through multinational training and conferences (Nikač, Juras 2015, 283-302).

## CONCLUSION

By adopting the UNCATOC, the international community has sent a powerful message to the mafia and the world public that it is determined to undertake all measures to combat transnational organized crime. The Convention is a *par excellence* international document that has established unparalleled solutions in the fight against organized crime. These are special investigative techniques and methods, specialized bodies (court, prosecution, police, prison service) and harmonization of the norms of national criminal law of the States Parties to the provisions of the Convention. Additional Protocols to the Convention (I-III) have great significance in combating some of the most difficult forms of transnational organized crime. The protocols have highlighted important issues of importance for combating trafficking in human beings, women and children, the suppression of migrant smuggling and the suppression of illicit production and trafficking in firearms, parts, assemblies and ammunition.

Convention UNCATOC and Protocols emphasize the need for versatile international criminal and police co-operation because the suppression of transnational organized crime is not an internal matter of the state, but an international problem that requires a common and coordinated response of states and specialized international organizations.

In addition to UNCATOC, outstanding significance in the fight against transnational organized crime has also been issued globally, under the auspices of the UN and the EU. Particularly important is the UN Convention on Laundering, Search, Temporary Seizure and Confiscation of the Proceeds from Crime by providing a legal basis for confiscation of sources of funding of criminal groups as well as adopting national regulations on seizure of property acquired by criminal offenses. The UN Convention on Illicit Traffic in Narcotic Drugs and Psychotropic Substances and the CoE Convention on Action against Trafficking in Human Beings also have the same meaning.

At the regional level, of importance are the Convention on International Police Cooperation in the SEE, the SELEC Convention, bilateral agreements for combating specific forms of transnational organized crime in the Region, which are of particular relevance to the problems of the past after the war on the territory of ex-YU and the

explosion of crime, as well as membership (application for accession) of the Balkan states to the EU.

We believe that the international legislative framework for combating transnational organized crime is realistic and that it has been a solid basis for harmonizing the solutions in the national criminal laws of the signatory states. Given the fact that the mafia spreads as an *octopus*, it is necessary to work on the extension of the legal framework and the improvement of legal and police practice in the work of law enforcement bodies. However, regardless of the dangers of organized crime, a developed democratic society must always protect human rights, civil liberties and the universal values of the contemporary world.

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## PREFACE

The world as a whole has never and will never be a nonviolent and at the same time peaceful place. The last few years have shown the uncertainty of the European Union's future and its stability, but also the uncertainty of the European continent as a whole. BREXIT becoming a reality has shackled the Union and all believers in a common European future. France and Germany accepted UK's decision and started promoting a more coherent and assertive Union.

At the same time, the Arab spring and the Syrian conflict opened the Balkan Route, converting it as the only path towards a better future. Greece as a member state was not able to secure EU's external borders, starting to let refugees and migrants to pass towards Macedonia's borders.

The European Common Asylum and Migration Policy will be one of the key challenges for the Union in the future. The case of Greece has shown that external borders and its protection should be a common interest and responsibility, not a national task. How will FRONTEX, ESTA, and the European Asylum Agency reassure the effective security and defense policy? Will these measures affect the philosophy of solidarity towards those in need? The plan for dislocation of the refugees and migrants was the beginning of the disagreements between the member states, many of which did not accept the designated quotas. Such situation was worsened by many terrorist activities in member states' cities, starting with a crucial one in Paris, November 2015, with many more that followed. ISIS started using European Muslims, born in member states, to seed its legacy and "punish" the infidels. This situation resulted in the heightening of the level of state security, accompanied with its side effect of limiting human rights and freedoms of European citizens. The European values will never be the true ones if personal freedom is suppressed by state security.

But, not only Europe's future and destiny is uncertain. After the USA elections, the world felt uncertain. With the result of the USA elections and the win of Donald Trump, a new era of political movement began. During the period under his presidency, the US Government came to an edge in its relations with North Korea, which threatens with its nuclear arsenal, but also worsened relations with Russia, expelling diplomats as reciprocal measures and closing Russian oldest Consulate in San Francisco. Not to mention the Paris Agreement on Climate Change and Donald Trump's opinion on global warming, women and human rights, Muslim and Latino immigrants, the ideas of building a wall with Mexico, the actual banning entrance in the USA by citizens of certain Arab countries.

Which are the challenges that are in front of Macedonia? Is it possible to establish a strong rule of law by copying or even worse cutting someone else's experience and just paste it into a new society without even trying to understand its real needs?

Rector of the "St. Kliment Ohridski" University  
Prof. Dr. Sc. Saso Korunovski

Bitola, 2018

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