

JOINT INVESTIGATION TEAMS AS A MECHANISM OF THE UN CONVENTION AGAINST TRANSNATIONAL ORGANIZED CRIME¹

Željko Nikač, PhD

The Academy of Criminalistic and Police Studies, Belgrade
zeljko.nikac@kppa.edu.rs

Vanda Božić, PhD

Facultiy of Law, Zagreb
vanda.bozic@pravo.hr

Boban Simić, MSc

The Academy of Criminalistic and Police Studies, Belgrade
boban.simic@kpa.edu.rs

Abstract: Transnational organized crime, besides terrorism, is undoubtedly the biggest threat to modern society at the beginning of the III millennium. New forms of organized crime, such as cybercrime, trafficking of human beings and human organs, money laundering, illegal migration, illegal trafficking in new types of narcotics, threaten to undermine the foundations of human civilization, demolish the state and its organization, and disregard democracy and the rule of law. In response to these challenges, the United Nations adopted the Convention against Transnational Organized Crime (Palermo, 2001) and III Supplementary Protocol. The signatory states of the Palermo Convention have undertaken to harmonize national legislation, adopt international standards and uniform solutions for the fight against organized crime. In the same way, Serbia, Croatia and other countries of the Region acted. One of the most important mechanisms for suppressing the most serious manifestations of transnational organized crime are Joint Investigation Teams, a significant form of international criminal justice and an effective instrument for the conduct of international investigations. It is the most direct form of international police and judicial cooperation, involving authorities and representatives of several states, who work together and coordinate measures and actions in the undertaken investigations. The paper examines the cooperation in the work of the joint investigation teams of the countries of the region and indicates the situation and the movement of organized crime in the territory of Serbia and Croatia. In the final part the authors propose measurement for improving the fight against organized crime and strengthening international criminal justice and police cooperation.

¹ The report is the result of work on the Project on the Development of Institutional Capacities, Standards and Procedures for Combating Organized Crime and Terrorism in the Conditions of International Integration, conducted by MPNTR under no. 17904 and the result of activities in the KPA Internal Scientific Research Project "Managing the Police Organization in Preventing and Suppressing the Threats to Security in the Republic of Serbia", the cycle of scientific research 2015–2019. This research has been fully supported by the Croatian Science Foundation, under the project number 1949, "Multidisciplinary Research Cluster on Crime in Transition – Trafficking in Human Beings, Corruption and Economic Crime".

Keywords: organized crime, Palermo convention, special investigative techniques and special authorities, police, Serbia, Croatia, the EU.

INTRODUCTION

Organized crime, besides terrorism, is undoubtedly the biggest threat to humanity in peacetime conditions, because it successfully overcame all social changes and adapted to the conditions of life and work in today's society. New and more dangerous forms of organized crime have emerged and they threaten to undermine the trends of civilization, disregard work and creativity, and promote the criminal way of life as a social value. In some settings, organized crime has become a system of life, as is the case with some underdeveloped and developing countries, especially in transition countries. The consequences of organized crime are extremely difficult and affect the individual and the family, as well as society and the international community.

The most dangerous forms of organized crime today are the illegal production and trafficking of narcotic drugs, arms trafficking, human trafficking, high-tech crime and other more recent forms. A particular dimension to this problem is given a *transnational* character, as in the preparation of criminal acts, execution, concealment and other activities, as a rule, actors from several countries are involved, while the actions are taking place and the consequences arise in the territories of different countries. According to the UN data from the beginning of the second decade of the 21st century, total earnings from the activities of organized criminal groups amount to \$ 870 billion, which is about 1.5% of global GDP.² In the study of the Special Committee of the European Parliament for Organized Crime, Corruption and Money Laundering, the minimum economic costs of criminal offenses of organized crime in the EU are reported in the following areas: trafficking in human beings – 30 billion euros; cigarettes smuggling – 11.3 billion; avoidance of payment of value added tax – 20 billion; frauds about agricultural and structural funds – 3 billion; scams that have damaged the EU citizens – 97 billion; theft of motor vehicles – 4.25 billion; falsification and abuse of payment cards – 1.16 billion euros.³

Public disturbance brings in not only the weight of these crimes and enormous material damage, but especially the fact that the work and perpetrators is very difficult to detect and prosecute. The most important reasons for the weakness of states and their organs are mostly poor criminal justice solutions, lack of professional staff and material resources, links between criminals and individuals from state structures and above all corruption in all areas of life and work. For these reasons, proving criminal acts of organized crime with classic criminal methods is almost impossible, while the results are modest and without much effect in most countries. It has precisely this effect on the most developed countries of the world to strengthen anti-criminal solidarity in the international community, to draft and adopt a legal framework on the basis of which it is possible to undertake an adequate operational response and achieve concrete results in the fight against organized crime.

The UN Convention Against Transnational Organized Crime (2000, Palermo)⁴ is an umbrella document in combating the most serious forms of organized crime. In the function of

2 UNODC, UN Office on Drugs and Crime, *Assessment of Illegal Cash Flows resulting from Narcotics Trade and Other Criminal Offenses of Transnational Organized Crime: Research Report* (Vienna, October, 2011), p. 94.

3 Special Committee of the European Parliament for Organized Crime, Corruption and Money Laundering, "The Economic, Financial and Social Impacts of Organized Crime in the EU-Study", Brussels, 2013, pp.10–11.

4 United Nations Convention against Transnational Organized Crime (UNCATOC), United Nations,

its implementation, additional documents were adopted: Protocol for the Prevention, Suppression and Punishment of Trafficking in Persons, Especially Women and Children (I), Protocol against Smuggling of Mine, Sea and Air (II) and Protocol against Illegal Production and Traffic with Firearms, Its Parts, Assemblies and Ammunition (III).⁵ The States Parties have undertaken to ratify the Palermo Convention and the Additional Protocols, to harmonize national regulations and to harmonize judicial practice in this area. The Republic of Serbia (FRY) ratified the aforementioned international documents by a special Act of 22 June 2001, which entered into force on June 30, 2001, while the Republic of Croatia ratified the Convention and Protocols on January 24, 2003, and it came into force on 29/09/2003.⁶

The Convention provides for the establishment of *specialized bodies* for the fight against organized crime such as the special prosecution, the special court, the special police unit and a special unit of the court police (guards). The greatest achievement of the Convention is the establishment of *special investigative methods and techniques* for proving criminal offenses in the field of organized crime. The group of specialized “tools” includes: controlled delivery, electronic tracking, surveillance, secret operations, interception of goods, protected witness, witness associate, covert investigator, etc.⁷ Accordingly, there are also procedural mechanisms for support in criminal proceedings: transfer of criminal proceedings, KE reports, sanctions for interference with justice, witness protection, assistance and protection of victims and measures for improving police cooperation.⁸

JOINT INVESTIGATIVE TEAMS – CONCEPT AND CHARACTERISTICS

The successful fight against organized crime is not an insular issue of the state, but includes all aspects of *international criminal justice and police cooperation* between states and international organizations. The most common forms of cooperation are information exchange, handling of requests, taking actions, joint investigation teams, joint police operations, joint controlled deliveries.

Joint Investigation Teams (JIT) are one of the most important forms of cooperation as a way of responding to new challenges, risks and threats from organized crime in the 21st century and in order to more effectively fight against its most severe manifestations.⁹ Prior to the adoption of the Palermo Convention, the Naples Political Declaration and Global Action Plan against Transnational Organized Crime¹⁰ and the Vienna Declaration on Crime and Justice were adopted to meet the challenges of the 21st century.¹¹ The dynamics of the market, legal

New York, 2000, Treaty Series, vol. 2225.

5 Nikač Ž, “Palermo Convention and Supplementary Protocols for the Suppression of Organized Crime”, Proceedings KPA, MPNTR Project, KPA, Belgrade, 2015, pp. 265–290.

6 Law on Ratification of the United Nations Convention against Transnational Organized Crime, Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Protocol on the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, Act, OG SRJ, IA No. 6/2001 / Official Gazette of FRY - International treaties no. 06/01

7 Ibid, art. 20.

8 Ibid, art. 21–27.

9 More: Žarković M, Ivanović Z, Criminalistic tactics, Belgrade 2014.

10 The Declaration was adopted at the World Ministerial Conference on Organized Transnational Crime, held on 21–23/11/1994.

11 The X Congress was held in Vienna, Austria, from 10 to 17 April 2000. The Declaration was adopted by Rez.GS UN 55/59, while the Implementation Action Plan was adopted by the Resolution GS UN 56/261.

and illegal, pointed to the international dimension of the market and transnational crime that does not know the state borders, geographical and other barriers. The transfer of crime and criminals from one country to another and from the continent to the continent is today a reality because organized criminal groups use the benefits of technical and technological development of the modern world. Monitoring of these phenomena requires international cooperation, and JIT is an integral part and one of the most important tools for combating the most serious forms of organized crime.

JIT conceptually represents the most direct form of judicial-police international cooperation. In substance, it includes representatives of judicial authorities (prosecution, court) and police of two or more countries that cooperate in a particular international investigation of one or more serious crimes and acts in the field of organized crime. As a rule, the investigation is conducted from a *joint investigation center* that represents the seat of the JIT in a specific case, from which all the measures and actions in the countries covered by the investigation are coordinated and directed. Formally, the JIT is determined by the provisions of the national regulations of the states and in the case of Serbia, it is one of the forms of international legal assistance in criminal matters¹² and is an effective instrument for the conduct of international investigations.

In addition to the joint investigation center, the other characteristics of the JIT are the way of its establishment, methodology of work and operation. The team is usually formed to deal with serious crimes in which the element of foreignism predominates, which is often basic and primary. The international dimension of some criminal activity gives special weight to the criminal offense, and this requires the joint work and cooperation of the interested states, their organs and specialized international organizations. Given that this is a very complex mechanism of international criminal and police cooperation, when deciding on the formation of the JIT, the states take into account the weight of the work performed or those in preparation and other elements. It is an important interest of any interested state participating in the investigation, without which there is no initiative to undertake concrete activities and successful cooperation of the participants. At the initial stages of the process, the participation and cooperation of the states are most intensive and are expressed through the interaction of the public prosecutor's office, the police and specialized services.

According to the regulations of the Republic of Serbia, the JIT is formed on the basis of the agreement of the Ministry of Justice and the competent foreign authority¹³, which is complementary to the law and practice of the EU. The *EU Handbook for Joint Investigation Teams* provides that "a joint investigation team provides the best platform to define an optimal strategy for investigation and prosecution".¹⁴ Participation in the team raises the awareness of managers and participants about the importance/priority of the investigation, and accordingly team members can significantly improve the results of an international investigation into a specific criminal case.

After the opening of the European borders, the cooperation between the EU and third countries in many areas has been improved, as well as in the field of security, internal affairs and the judiciary. Some particularly sensitive security issues are regulated on the basis of bilateral and multilateral agreements. Contemporary security strategies put special emphasis on strengthening police and judicial cooperation, and one of the important mechanisms in this regard is precisely joint investigation teams that have been fully implemented in all EU member states. The purpose of the JIT is to cooperate and jointly work with judicial authorities and

12 Law on International Legal Assistance in Criminal Matters (ZMPPKS), "Official Messenger of RS" no. 20/09.

13 Ibid.

14 Document No.15790 / 1/11, Rev 1, EU Council, Brussels, November 4, 2011.

state police services in investigations related to the most serious crimes, especially organized and cross-border crime, without unnecessary bureaucratic and other obstacles. Teamwork is also financially more cost-effective, saves resources and saves information, dispensed with specific formal procedures.

One of the objections is that JIT did not fully live in all parts of Europe and the world, as is the case with the EU Member States where the implementation of this mechanism is very noticeable (in 2012, 78 teams).¹⁵

THE LEGISLATIVE FRAMEWORK OF JOINT INVESTIGATION TEAMS

a) **The International Legal Framework** of the Joint JIT consists of several international documents that are of paramount importance to the fight against crime, especially organized crime. Some conventions, declarations, resolutions and other international acts related to the suppression of certain forms of crime, mutual cooperation between states and legal assistance in criminal matters are of particular importance.

The UN Convention against Transnational Organized Crime (UNCATOC)¹⁶ is an international legal source of paramount importance for the fight against organized crime. The Convention provides for, inter alia, *joint investigations* initiated and implemented by States on the basis of Article 19, bilateral and multilateral agreements. Interested States may establish joint investigative bodies with the aim of investigating and collecting evidence of committed serious crimes that are the subject of investigations, prosecutions or judicial proceedings in one or more States. The mentioned solutions should not be viewed in isolation, but in the context of the entire Convention and all mechanisms that are used to fight organized crime groups.¹⁷

The European Convention on Mutual Legal Assistance in Criminal Matters provides a much more precise definition of the concept of joint investigation teams, which was done through its *Second Additional Protocol* adopted in Strasbourg on November 8, 2001. Thus, Article 20 of the Protocol regulates the formation of JIT, its operation and other issues (human resources, legal, material and financial) in more detail. The Republic of Serbia (formerly SCG) has also ratified the Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters by a special law.¹⁸ Regarding the content of the JIT and other issues on them, it will be pointed out in the part relating to the practice of the work of the EU and joint investigative teams under the jurisdiction of Europol and Eurojust.

The Convention on Police Cooperation in South East Europe was signed in Vienna in 2006 and the Republic of Serbia ratified it the following year¹⁹. It is the most important regional legal source of international police cooperation. The Convention is particularly important for countries from the former Yugoslavia and for the fight against the most serious forms of crime, organized crime and terrorism. The basic objectives of the Convention are to deepen the cooperation of states, eliminate security threats, promote common security interests and

15 International Center for Countering Terrorism, The Hague, 2012, Report from the meeting of the expert team for ZIT, p.3 for more: www.europol.europa.eu (September 5, 2017), Europol official site, JITS. 16 Op.cit. nap.3, art. 19.

17 Nikač Ž, *International Police Cooperation*, KPA, Belgrade, 2015, p.79-89.

18 Second Additional Protocol to the European Convention on Mutual Legal Assistance in Criminal Matters, "Official Gazette of SCG – International Treaties" no. 02/2006.

19 Law on the Endorsement of the Convention on Police Cooperation in South East Europe, "Official Gazette of the Republic of Serbia – International Agreements" no. 70/2007.

strengthen the security partnership. For the purpose of implementation, it is envisaged that the States Parties conclude bilateral agreements, standardize communication systems and establish systems for the protection of personal data.

The Convention envisages various forms of cooperation, among which are the exchange of information, joint threat analysis, cooperation on request, urgent search, cross-border surveillance, controlled deliveries and secrets of investigations. One of the more important mechanisms of cooperation is precisely *joint investigative teams* (Article 27), which are most often combined with other forms and types of cooperation such as cross-border operations, mixed patrols, joint ventures.²⁰

In relation to the previous convention and protocol, the Convention on Police Cooperation in SEE represents a document that is less procedural and formal, it is more of a technical nature and deals with operational aspects of cooperation between states and their organs when undertaking criminal-operational measures. It is envisaged that delegated members of the JIT conduct investigative actions in the territory of another state, under conditions of consent and reciprocity. Further, solutions are provided relating to the acquisition, use and sharing of operational information with other team members, as well as the possibilities of extending the JIT.²¹

The SELEC Convention is an international agreement that transformed the former SECI Regional Center for the Fight against Trans border Crime and formed SELEC (Southeast European Law Enforcement Center) as a law enforcement center in Southeast Europe. The document was signed on 01/12/2009 in Bucharest, in which the Center is located.²² The Republic of Serbia has also ratified this Convention with a separate Law on the Confirmation of the SELEC Law Enforcement Protocol in SEE.²³

The Convention provides a legal basis for international regional cooperation in the fight against cross-border, especially organized crime, smuggling of people and other forms of crime, and in connection with the implementation of investigative and judicial procedures. In a wider sense, one of the tools for the work of SELEC is joint investigation teams that are not formally legally foreseen, but in the practice of this organization they are used in cooperation with the states signatories who have detained officers from the police, customs and other law enforcement agencies. In these activities, financial and expert assistance from the United States, which initiated and helped establish and operate the Center, is particularly important.²⁴

b) The national legal framework of the joint investigation teams is largely relying on the aforementioned international solutions. Especially EU Member States and those applying for admission to this organization have developed national legislation harmonized with EU regulations. This applies to joint investigation teams and other mechanisms of international police and criminal justice cooperation.

In the Republic of Serbia, the issue of joint investigative teams is regulated in more detail in the *lex specialis* regulations in the area of international criminal justice assistance. **The Law on International Legal Assistance in Criminal Matters** regulates the procedure for providing international criminal justice assistance in cases where there is no international agreement

20 Ibid, art. 4-2.

21 Nikač Ž, Božić V, "International Cooperation of Southeast Europe in the Fight Against Crime", Lviv State University of the Interior, Ukraine, International Scientific-Professional Conference "Theory and Practice of Law Enforcement Activities", Proceedings, Lviv, 2016, pp. 431–443.

22 Ibid.

23 Law on Ratification of the SELEC Convention, "Official Gazette of the Republic of Serbia – International Agreements" No.08 / 11.

24 Nikač Ž, Juras D, "International Police Cooperation in SEE in the Function of Security", Institute for Comparative Law, Journal "Foreign Legal Life" No.3 / 15, Bgd.2015, pp. 283–302.

or when some of the issues are not regulated by it.²⁵ International legal assistance shall be provided in a proceeding that relates to a criminal offense which, at the time when the aid is claimed, falls within the jurisdiction of the court of the State of the applicant, then in the proceedings instituted before the administrative authorities for work punishable under the laws of the applicant State and the request of specific applicants such as the International Court of Justice, the International Criminal Court, the European Court of Human Rights and other international institutions established by international treaties accepted by Serbia (e.g. the Hague Tribunal).²⁶ National judicial authorities provide international legal assistance by respecting universal principles and standards, and above all the principle of reciprocity. Of course, general and specific requirements for providing international criminal justice assistance are required.²⁷

Forms of international criminal-legal assistance are: a) extradition of the defendant or convicted person, b) taking over and transferring the criminal prosecution, c) execution of the criminal judgment, and d) other forms of international legal assistance. Within this last section, JIT are foreseen as one of the forms of international criminal law cooperation, and the agreement on participation in the JIT on behalf of the RS is signed by the Minister in charge of the judiciary.²⁸ In a broader sense, the legal bases for the work of the JIT in Serbia are made by the provisions of more important criminal laws such as the Criminal Code²⁹, the ZKP³⁰ and ZONDOSOK (Law on Organization and Jurisdiction of State Authorities in the Fight against Organized Crime, Corruption and Other Particularly Serious Crimes).³¹

The Law on Police³² is the most important legal basis for the participation of police officers in the work of joint investigation teams. In the part of the Law referring to the cooperation of the Ministry of Interior with external subjects, international police cooperation and police engagement in that area are mentioned. In accordance with this and other laws, the Ministry of Interior meets international cooperation on the level of ministers and representatives of ministries with competent foreign bodies and organizations. At the operational level, the MoI and its representatives cooperate with foreign police services, international police services and specialized international organizations. The legal basis for cooperation was confirmed by international treaties and special international agreements on police cooperation were concluded, with respect for the principles of reciprocity and on the basis of membership in international police organizations.³³

International police cooperation includes police affairs carried out by the relevant MoI organizational units in the territory of the foreign state, cooperation with foreign police services, exchange of police officers for the connection, or activity of foreign and international police services in the territory of RS.

In terms of content, international police operational cooperation includes: a) exchange of information, data and notifications, b) taking measures against terrorism, organized crime,

25 Law on International Legal Assistance in Criminal Matters, "Official Gazette of RS" no. 20 / 09, article 1-2.

26 Ibid, art. 3.

27 Ibid, art. 7 and 84.

28 Ibid, art. 83 and 96.

29 Criminal Code, "Official Gazette of RS" no. 85/2005, 88/2005 -107/2005 - 72/2009, 111/2009, 121/2012, 104/2013, 108/2014 and 94/2016.

30 Criminal Procedure Code, "Official Gazette of RS", no. "Official Gazette of RS", no. 72/2011, 101/2011, 121/2012, 32/2013, 45/2013 and 55/2014.

31 Law on Organization and Jurisdiction of State Authorities in the Suppression of Organized Crime, Corruption and Other Particularly Serious Criminals, "Official Gazette of RS", no. 42/02, 27/03, 39/03, 67/03, 29/04, 58/04, 45/05, 61/05, 72/09, 72/11 – Law, 101/11 – Law and 32/13.

32 Law on Police, "Official Gazette of the Republic of Serbia" No.06 / 2016.

33 Ibid, art. 19.

illegal migration and other forms of international crime and violation of border security, c) establishment of joint working bodies, d) referral on training and education of members of the Ministry abroad and conducting training in the country for the needs of the police of a foreign state or international organization.

We believe that the participation of police officers of the Ministry of the Interior of the RS in the JIT can be based on an extensive interpretation of the participation in joint working bodies. In terms of employment status, the legal institute of referral to the work of police officers (abroad) should be applied, which is specifically mentioned in Article 202 of the Law on Police. Police officers during the execution of tasks abroad, as well as police officers of foreign and international police services engaged in performing activities in the territory of the RS, can apply the powers and funds stipulated by the international agreement on the basis of which the cooperation takes place.³⁴

Bilateral and multilateral agreements can also provide a legal basis for the establishment and operation of the JIT, as is the case with the formation of investigative teams that can be referred to the JIT in a wider sense. Such is the Cooperation Agreement between the authorized bodies of Serbia and the Republic of Hungary in combating crime, preventing cross-border crime and combating organized crime, which in Article 13 foresees the establishment of a joint group for the elimination of criminal offenses.³⁵

LEGISLATION OF JOINT INVESTIGATION TEAMS OF THE EUROPEAN UNION AND PRACTICE OF EUROPOL

a) In the Republic of Croatia the issue of joint investigation teams is regulated by EU and national legislation. As it is known, in mid-2013, Croatia entered the EU when it was obliged to harness national legislation and adopt EU legal practice during the accession process and later upon its accession.

The normative framework for the application of the JIT in the practice of the judicial authorities and the police of Croatia consists of several laws and by-laws of the EU and national legislation. In a wider sense, these include the following regulations: Law on Police of the Republic of Croatia³⁶, Law on Police Affairs and Powers³⁷, Criminal Law³⁸, USKOK Law³⁹, ZKP⁴⁰, Law on International Legal Assistance in Criminal Matters⁴¹ and Law on Judicial Cooperation in Criminal Matters with Member States EU⁴².

Joint investigative teams as a special mechanism for international judicial and police cooperation were introduced into the legal system of the Republic of Croatia firstly under the Law on Police Affairs and Powers⁴³, all based on the Framework Decision of the Council of Ministers of the EU on the JIT of June 13, 2002⁴⁴ and the Framework Decision of the Council

34 Ibid, art. 44.

35 Op.cit. u nap.16, pp. 86–87.

36 Law on Police, National newspapers, no.34 / 11,130 / 12,89 / 14,151 / 14,33 / 15,121 / 16.

37 Law on Police Affairs and Powers, NN No.79 / 09.92 / 14

38 Criminal Code, NN No.125 / 11,144 / 12,56 / 15 and 61/15.

39 Law of USKOKU, NN No.76 / 09,116 / 10,145 / 10,57 / 11,136 / 12,148 / 13,70 / 17.

40 ZKP, NN No.152 / 08.76 / 09.80 / 11.121 / 11.91 / 12.143 / 12.56 / 13.145 / 13.152 / 14.70 / 17

41 Law on International Legal Assistance in Criminal Matters, NN No.178 / 04.

42 Law on Judicial Cooperation in Criminal Matters with EU Member States, NN No.91 / 10,81 / 13,124 / 13, 26/15.

43 Op.cit. u nap.36, čl.14.

44 COUNCIL FRAMEWORK DECISION of 13 June 2002 on joint investigation teams. Framework Decision of the EU Council on ZIT, 2002/465 / PUP, OJ L 162, 20/06/2002.

on Protection personal data processed in the framework of police and judicial cooperation in criminal cases⁴⁵.

A particularly important regulation is the Law on Judicial Cooperation in Criminal Matters with EU Member States, in which some mechanisms of criminal justice cooperation with the member states, EU specialized bodies and bodies are elaborated in more detail. This applies in particular to the application of the EAW (European arrest warrant), cooperation with EUROJUST, and the application and protection of data from the SIS database (Schengen Information System).

One of the basic principles of cooperation is the principle of efficiency that equally respects the functional and economic elements within the judicial authorities' conduct. Furthermore, the principle of the exclusion of double-checking is emphasized, especially in relation to the most serious crimes, such as terrorism and acts of organized crime.⁴⁶ In the framework of cooperation with Eurojust, as a specialized EU agency for judicial cooperation and coordination of the work of judicial services, the establishment of the JIT together with the judicial bodies of the EU Member States is especially emphasized.⁴⁷ The national representative of the Republic of Croatia as a member and contact person for the Eurojust's network for JIT⁴⁸ plays an important role in the implementation of this solution.

b) The European Union has developed a legislative framework with regard to the JIT and, as the most important legal source is said to be the EU Council Framework Decision on the JIT⁴⁹, further elaborated in the EU Council Decision on the model of the joint investigation team agreement and the JIT Manual.⁵⁰ As one of the complementary legal bases for the JIT in the Manual, a well-known Convention on Mutual Assistance and Cooperation between Customs Administrations (Naples II Convention)⁵¹ is cited, this, among other things, provides for conditions for the functioning of the teams. The solution is particularly important in terms of multi-agency approach and combined teams of law enforcement or pooled units (Task Forces). The solution is particularly applicable in countries where customs, court police and other services have certain police and investigative powers. This was previously legally shaped by the Council of the EU Council of 29 May 2000, which, in accordance with Article 24 of the EU Treaty, provides for the adoption of the Convention on Mutual Legal Assistance in Criminal Matters of EU Member States.⁵²

The EU Council further adopted the Decision on the model of the Treaty establishing the JIT, which is a typical EU agreement on the establishment of this cooperation mechanism.⁵³ The model of the agreement contains standard elements related to: subjects of the agreement, timeframe, subject of agreement, mechanisms of information collection and exchange, coordination of activities, information processing, communication, media, financing. The basic objective of a typical agreement is to facilitate the procedure for the establishment of the JIT and the subsequent smooth functioning, as a flexible framework for achieving cooperation,

45 Framework Decision of the EU Council on the Protection of Personal Data Processed in the Field of Police and Judicial Cooperation in Criminal Cases of 27.11.2008, 2008/977 / PUP, SL L 350, 30.12.20098.

46 Op.cit. u nap.41, čl.4 i čl.10.

47 Ibid, art. 12, *ibid.* art. 4.

48 Op.cit. u nap. 43.

49 *Ibid.* Council framework decision of 13 June 2002 on Joint Investigation Teams (2002/465).

50 Op.cit. u nap.13.

51 The Convention on mutual assistance and co-operation between customs administrations (Naples II Convention), 18 December 1997, part. 24.

52 Council act of 29 may 2000 establishing in accordance with article 34 of the Treaty on European Union the Convention on mutual assistance in criminal matters between the member states of the European Union, 2000/C 197/01.

53 Council Resolution on a model agreement for setting up a Joint Investigation Team JIT), 2017/C 18/01.19.1.2017, Official Journal of the European Union C 18/1.

regardless of differences in national legislation and respecting the best legal practice. Further meaning is to improve criminal justice and police cooperation by increasing the number of investigative teams and accelerating the process of their establishment. Particular emphasis is placed on the establishment and maintenance of cooperation with non-EU countries, the inclusion of all resources and law enforcement agencies, as well as the intensification of activities carried out by Europol in its work.⁵⁴

We think that the extensive EU access gives space for the involvement of the national authorities of Serbia and other countries from the former SFRY which are not yet part of the EU, especially as the concept of investigation (prosecution investigation) has changed under the new CPC in the RS and created opportunities for greater mobility and efficiency of investigative organs.

Next, a Practical Guide for the JIT was adopted, which examines in more detail the issues related to: the goal, concept and legal framework of the JIT, the establishment, operation, evaluation of the results of the work and the dissolution of the team. In the appendix there are articles related to the most frequent questions about the JIT, its establishment and the way of work.⁵⁵

In the function of further work, the Council of the EU and other bodies have adopted several other important documents: Rules on marking members of JIT⁵⁶, Call for proposals for financial aid JIT⁵⁷, Manual (Guide) for financing JIT⁵⁸, Form for financial identification form⁵⁹, Manual for operational support of JIT⁶⁰, Manual for the JIT Financing Process⁶¹, Practical Steps for the Evaluation of the JIT⁶². In addition, a significant legal source for the JIT is made by the expert meetings of the representatives of the states and members of the JIT under the auspices of Europol.⁶³

Europol, Eurojust and other international organizations within the EU system have significantly contributed to the establishment and operation of joint investigation teams in many areas of the fight against the most serious forms of crime. It is logistical, technical, financial and expert assistance and support provided by these organizations in all situations when JIT is formed.

54 Lbid.

55 Joint Investigation Teams Practical Guide, Brussels, 14 February 2017 (OR. en), 6128/1/17 REV 1 MP/mvk DG D 2B EN.

56 Joint Investigation Teams - Proposal for designation of national experts, Brussels, 8 July 2005 11037/05 HGN/PF/lwp 1, DG H 2B EN.

57 Eurojust, Call for Proposals for Financial Assistance to Joint Investigation Teams (2017/6).

58 Eurojust, JITS funding guide, 03 July 2017, Version 2.1

59 Financial identification form, http://ec.europa.eu/budget/contracts_grants/info_privacy_statement/contracts/financial_id (20.09.2017).

60 Eurojust, Operational support to JITs, [www.eurojust.europa.eu/\(20.09.2017\)](http://www.eurojust.europa.eu/(20.09.2017))

61 Financial identification form, http://ec.europa.eu/budget/contracts_grants/info_privacy_statement/contracts/financial_id (20.09.2017)

62 JIT Network, Practical steps for JIT evaluation, Council of The European Union, www.consilium.europa.eu/ (20.09.2017).

63 Europol, JITs Meetings 1th-12th, <https://www.europol.europa.eu/activities-services/joint-investigation-teams/>(20.09.2017).

JOINT INVESTIGATIVE TEAMS – PRO AT CONTRA

Regarding the argumentation of “for” or “against” the establishment and operation of joint investigation teams, we will briefly look at one and the other reasons.

a) As an argument in favor of the formation and operation of the JIT, we primarily refer to the principle of immediacy and in this regard the direct cooperation of the interested states, their organs and international organizations. From the operational point of view, the *principle of mobility* is the most important because the JIT encompasses precisely effective communication, without excessive bureaucratic procedures and legal disturbances. Direct communication between states and their representatives excludes a long procedure of international legal assistance, which can sometimes disregard law and justice.

The arguments in favor of the JIT include the possibility of undertaking investigative actions in the countries participating in the JIT, without special requests for mutual legal assistance. This includes the factual ability of all team members to participate in the operational activities of the police such as searches of persons and objects, the collection of notifications and other actions within the team’s competence. A significant argument “for” is the coordination and rapid exchange of data that can be materialized as potential evidence. In this respect, trust is established between representatives of the various services of the participating states of the JIT and other entities, which can, however, be crucial in the individual stages of the investigation.

The support and funding of international organizations such as Europol and Eurojust are also a positive side of the JIT. In this context, support from other EU bodies, third country authorities, non-governmental organizations and other organizations, is also important.

b) In terms of argumentation “against” the establishment and operation of the JIT, we can first of all mention the bureaucratic and long-standing procedure for the preparation of the contract on the establishment of the team. In this regard, the problem of overstated formalism is in the framework of the initiated procedure for the establishment and operation of the JIT, in particular the exchange of data and the taking of concrete measures and actions.

A particular problem is the dualism of investigations in individual criminal cases when different investigations are conducted by different states, their organs and international organizations. Of course, this affects the dissipation of forces and the spending of state resources, which in the end ultimately jeopardizes the effectiveness of the investigation and operation of the JIT.

One of the *contra* arguments is the problem of the lack of subordinate legislation, more precisely a special act that would somewhat envision the elements of the JIT and everything related to implementation in practice. This is the case, for example, in the practice of the Ministry of Interior, which does not yet have these mechanisms fully developed, but with the tendency of improvement in terms of international police cooperation with neighboring countries, regional countries and international organizations such as Europol and Interpol. The Convention on International Police Cooperation in SEE is a good example of an attempt to find a legal basis for concrete forms and forms of this cooperation.

We think that the arguments “for” the establishment and operation of the JIT prevail, because the joint work and cooperation guarantees an effective fight against the most serious forms of crime, especially organized crime and terrorism. It also implies rationalization of costs, disabling power and resource dispersion, concentration on work problems and elimination of potential dualism in investigations.

CONCLUSION

The fight against the most serious forms of crime, especially organized crime and terrorism, is now no longer possible with conventional criminal intelligence measures and actions, because crime has experienced an unprecedented expansion today. Enormous damage, great public upbringing and other harmful consequences affect common people, states and the international community as a whole, which is the main reason for a harmonized reaction on a wider scale.

In responding to all the challenges, risks and threats from the most serious forms of crime, the developed countries were the first responders and adopted new tools, mechanisms and procedures for the fight against crime and its most severe manifestations. In this sense, the well-known *Palermo Convention* Against Organized Crime was first adopted, which is a revolutionary document in this area, which envisages harmonization of the national legislations of the signatory states with its provisions, the establishment of specialized state bodies and the introduction of special investigative techniques and methods. Of the more important methods and techniques, a witness associate, a protected witness, a covert investigator, controlled deliveries, simulated jobs, rafter searches, and others that the states signatories have incorporated into national legislation and used to prove the most serious crimes are mentioned. According to the provisions of the ZKP, special probation actions are foreseen, such as: secret surveillance of communications, secret surveillance and recording, simulated jobs, computer search of data, searches, controlled deliveries and a hidden investigator.

Joint investigative teams are one of the new mechanisms for combating organized crime, terrorism and other extremely serious forms of crime. The JIT was first introduced by developed countries of the world, which first met with the problem of organized crime and difficulties in gathering evidence, prosecuting criminal offenses and sanctioning perpetrators. The problem was even more complicated in criminal cases with elements of foreign affairs, and especially in the absence of international judicial and police cooperation. *EU* countries were among the first to respond, through Europol and other specialized law enforcement agencies, to promote a number of specialized tools to combat organized crime and terrorism. Among them, JIT has a special place in international investigations, proving and prosecuting criminal offenses with elements of abroad. The instrument was put into practice in the framework of the European Convention on Provision of Mutual Assistance in Criminal Matters, or its Second Additional Protocol.

The advantages of JIT as the instruments of police and judicial cooperation, the increase in the effects (results) of criminal-police work and especially in complex international investigations are undoubted. JIT further provides opportunities for direct, immediate and rapid communication between interested countries and their specialized services. This is particularly noticeable in the practice of the work of the authorities of the member states of the EU, followed by Europol and Eurojust as the bearers of activities in the territory of the EU. Since the Republic of Serbia is a country that has outlined an application for admission to the EU, it is very important to use the experience of the EU in the establishment and operation of the JIT in the forthcoming period and, in cooperation with the authorities of the Union and neighboring countries will intensify the implementation of this mechanism. We believe that JIT would significantly contribute to the suppression of the most serious forms of crime, cross-border and organized crime and terrorism.

In the end, we think that the establishment and operation of the JIT in the coming period could be normatively and legally articulated by the novelties of the current RS Law on the RS or, according to the estimate, the *de lege ferenda* passed a special by-law to concretize the solution in the application of the JIT.

REFERENCES

1. Božić V, Nikač Ž, Criminal incriminations based on the UN Convention against Transnational Organized Crime in Criminal Law of the Republic of Croatia and the Republic of Serbia, Proceedings, International Conference “ST Climes messages for ethics, morality and values”, Faculty of Security, Skopje, 2016, pp.89–111.
2. Council act of 29 May 2000 establishing in accordance with Article 34 of the Treaty on European Union the Convention on mutual assistance in criminal matters between the Member States of the European Union, 2000 / C 197/01.
3. Council Resolution on a model agreement for the establishment of a Joint Investigation Team (JIT), 2017 / C 18/01.
4. 19.1.2017, Official Journal of the European Union C 18/1.
5. COUNCIL FRAMEWORK DECISION of 13 June 2002 on joint investigation teams
6. Framework Decision of the EU Council on JIT, 2002/465 / PUP, OJ L 162, 20.06.2002.
7. Document No.15790 / 1/11, Rev 1, EU Council, Brussels, 11/04/2011.
8. Second Additional Protocol to the European Convention on Mutual Legal Assistance in Criminal Matters, “Official Gazette of SCG – International Agreements” no. 02/2006.
9. Eurojust, Call for Proposals for Financial Assistance to Joint Investigation Teams (2017/6).
10. Eurojust, JITS financing guide, 03 July 2017, Version 2.1.
11. Eurojust, Operational support to JITs, www.eurojust.europa.eu/.
12. Eurojust, The JIT funding process, www.eurojust.europa.eu/.
13. Europol, JITs Meetings 1th-12th, <https://www.europol.europa.eu/activities-services/joint-investigation-teams/>.
14. Financial identification form, http://ec.europa.eu/budget/contracts_grants/info_privacy_statement_contracts/financial_id.
15. International Center for Countering Terrorism, The Hague, 2012, Report from the meeting of the expert team for JIT.
16. JIT Network, Practical steps for JIT evaluation, Council of the European Union, www.consilium.europa.eu/.
17. Joint Investigation Teams Practical Guide, Brussels, 14 February 2017 (OR).
18. 6128/1/17 REV 1 MP / mvk DG D 2B EN.
19. Joint Investigation Teams - Proposal for the designation of national experts, Brussels, 8 July 2005
20. 11037/05 HGN / PF / lwp 1, DG H 2B EN.
21. Criminal Code, NN No.125 / 11,144 / 12,56 / 15 and 61/15.
22. Criminal Code, “Official Gazette of RS” no. 85/2005, 88/2005 – ispr., 107/2005 – ispr., 72/2009, 111/2009, 121/2012, 104/2013, 108/2014 and 94/2016).
23. Law on Ratification of the United Nations Convention Against Transnational Organized Crime, Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Protocol Against the Smuggling of Migrants by Land, Sea and Air, Supplementing the United Nations Convention against Transnational Organized Crime, Act, OG SRJ, IA No. 6/2001 / Official Gazette of FRY – International Treaties no. 06/01.
24. Republic of Croatia, Narodne novine - International Contracts No.14 / 02,13 / 03 and 11/04.

25. Nikač Ž, Simić B, International Cooperation of Successor States of Yugoslavia and SEE in the Area of Internal Affairs, Security and Justice, International Scientific Conference “Regulating Open Issues from among Successor States of SFRY”, IMPP and Hans Zajdel Foundation, Belgrade, 2013, pp. 603–615.
26. Nikač Ž, Božić V, “International Cooperation of Southeast Europe in the Fight Against Crime”, Lviv State University of the Interior, Ukraine, International Scientific-Professional Conference “Theory and Practice of Law Enforcement Activities”, Proceedings, Lviv, 2016, pp.431–443.
27. Nikač Ž, “Palermo Convention and Supplementary Protocols for the Suppression of Organized Crime”, Proceedings of the KTA, MPNTR Project, KPA, Belgrade, 2015, pp. 265–290.
28. Nikač Ž, International Police Cooperation, KPA, Belgrade, 2015.
29. Nikač Ž, Juras D, “International Police Cooperation in SEE in the Function of Security”, Institute for Comparative Law, Journal “Foreign Legal Life” No. 3/15, Bgd., 2015, pp.283–302.
30. Framework Decision of the EU Council on the Protection of Personal Data Processed in the Field of Police and Judicial Cooperation in Criminal Cases of 27.11.2008, 2008/977 / PUP, SL L 350, 30.12.20098.
31. European Parliament Special Committee on Organized Crime, Corruption and Money Laundering, “The Economic, Financial and Social Impacts of Organized Crime in the EU-Study”, Brussels, 2013.
32. United Nations Convention Against Transnational Organized Crime (UNCATOC), United Nations, New York, 2000, Treaty Series, vol. 2225.
33. UNODC, UN Office on Drugs and Crime, Assessment of Illegal Cash Flows from Narcotics Trade and Other Criminal Offenses of Transnational Organized Crime: Research Report (Vienna, October, 2011)
34. Law on the Endorsement of the Convention on Police Cooperation in South-Eastern Europe, “Official Gazette of the Republic of Serbia – International Agreements” no. 70/2007.
35. Law on International Legal Assistance in Criminal Matters (ZMPPKS), “Official Gazette of RS” no. 20/09.
36. Law on Ratification of the SELEC Convention, “Official Gazette of the Republic of Serbia – International Treaties” no.08 / 11.
37. Law on International Legal Assistance in Criminal Matters, “Official Gazette of the Republic of Serbia” No. 20/09, Art.1–2.
38. Code of Criminal Procedure, “Official Gazette of RS”, no. “Official Gazette of RS”, no. 72/2011, 101/2011, 121/2012, 32/2013, 45/2013 and 55/2014)
39. Law on Organization and Jurisdiction of State Authorities in the Suppression of Organized Crime, Corruption and Other Particularly Serious Criminals, “Sl. glasnik RS”, no. 42/02, 27/03, 39/03, 67/03, 29/04, 58/04 - dr. zakon, 45/05, 61/05, 72/09, 72/11 - dr. Law, 101/11 - dr. Law and 32/13.
40. Law on Police, “Official Gazette of the Republic of Serbia” no. 06 / 2016.
41. Law on Police, Narodne novine no.34 / 11,130 / 12,89 / 14,151 / 14,33 / 15,121 / 16.
42. Law on Police Affairs and Powers, NN No.79 / 09.92 / 14.
43. Law on USKOKU, NN No.76 / 09,116 / 10,145 / 10,57 / 11,136 / 12,148 / 13,70 / 17.

-
44. CPC, NN No.152 / 08.76 / 09.80 / 11.121 / 11.91 / 12.143 / 12.56 / 13.145 / 13.152 / 14.70 / 17.
 45. Law on International Legal Assistance in Criminal Matters, NN No.178 / 04.
 46. 44. Law on Judicial Cooperation in Criminal Matters with EU Member States, NN No.91 / 10,81 / 13,124 / 13, 26/15.
 47. Žarković M., Ivanović Z., Criminal tactics, KPA, Belgrade, 2014.

MEĐUNARODNI NAUČNI SKUP
INTERNATIONAL SCIENTIFIC CONFERENCE

„DANI ARČIBALDA RAJSA“

“ARCHIBALD REISS DAYS”

Beograd, 7-9. novembar 2017

Belgrade, 7-9 November 2017

TEMATSKI ZBORNIK RADOVA
MEĐUNARODNOG ZNAČAJA

THEMATIC CONFERENCE PROCEEDINGS
OF INTERNATIONAL SIGNIFICANCE

TOM II
VOLUME II

KRIMINALISTIČKO-POLICIJSKA AKADEMIJA
Beograd, 2017
ACADEMY OF CRIMINALISTIC AND POLICE STUDIES
Belgrade, 2017

Publisher

ACADEMY OF CRIMINALISTIC AND POLICE STUDIES
Belgrade, 196 Cara Dušana Street (Zemun)

Editor-in-Chief

BILJANA SIMEUNOVIĆ-PATIĆ, PhD
Academy of Criminalistic and Police Studies

Editors

ALEKSANDAR BOŠKOVIĆ, PhD, Academy of Criminalistic and Police Studies
DAG KOLAREVIĆ, PhD, Academy of Criminalistic and Police Studies
NENAD RADOVIĆ, PhD, Academy of Criminalistic and Police Studies
SAŠA MILOJEVIĆ, PhD, Academy of Criminalistic and Police Studies
TANJA KESIĆ, PhD, Academy of Criminalistic and Police Studies
RADOMIR ZEKAVICA, PhD, Academy of Criminalistic and Police Studies

Thematic Proceedings Reviewers

JOVAN ĆIRIĆ, LL.D., Constitutional Court Judge, Serbia
MILAN ŠKULIĆ, LL.D., Constitutional Court Judge, Serbia
DURAD BUDIMIR, PhD, University of Westminster, London, United Kingdom
IMRE RUDAS, PhD, Obuda University, Budapest, Hungary
GORAZD MEŠKO, PhD, Faculty of Criminal Justice and Security, Ljubljana,
University of Maribor, Slovenija

Computer Design

MILOŠ IVOVIĆ
JOVAN PAVLOVIĆ
DRAGOLJUB MILUTINOVIĆ

Impression

200 copies

Print

Univerzal, Čačak

THE CONFERENCE AND THE PUBLISHING OF PROCEEDINGS WERE SUPPORTED BY
THE MINISTRY OF EDUCATION, SCIENCE AND TECHNOLOGICAL
DEVELOPMENT OF THE REPUBLIC OF SERBIA

© 2017 Academy of Criminalistic and Police Studies, Belgrade

ISBN 978-86-7020-386-0

ISBN 978-86-7020-190-3

Izdavač
KRIMINALISTIČKO-POLICIJSKA AKADEMIJA
Cara Dušana 196, Zemun, Beograd

Glavni i odgovorni urednik
Prof. dr BILJANA SIMEUNOVIĆ-PATIĆ
Kriminalističko-policijska akademija

Urednici
Prof. dr ALEKSANDAR BOŠKOVIĆ, Kriminalističko-policijska akademija
Prof. dr DAG KOLAREVIĆ, Kriminalističko-policijska akademija
Prof. dr NENAD RADOVIĆ, Kriminalističko-policijska akademija
Prof. dr SAŠA MILOJEVIĆ, Kriminalističko-policijska akademija
Prof. dr TANJA KESIĆ, Kriminalističko-policijska akademija
Prof. dr RADOMIR ZEKAČIĆ, Kriminalističko-policijska akademija

Recenzenti Zbornika radova
Prof. dr JOVAN ĆIRIĆ, sudija Ustavnog suda Republike Srbije
Prof. dr MILAN ŠKULIĆ, sudija Ustavnog suda Republike Srbije
Prof. dr ĐURAĐ BUDIMIR, Univerzitet u Vestminsteru, London, V. Britanija
Prof. dr IMRE RUDAŠ, Univerzitet Obuda, Budimpešta, Mađarska
Prof. dr GORAZD MEŠKO, Fakultet za bezbednosne studije, Ljubljana,
Univerzitet u Mariboru, Slovenija

Tehničko uređenje
MILOŠ IVOVIĆ
JOVAN PAVLOVIĆ
DRAGOLJUB MILUTINOVIĆ

Tiraž
200 primeraka

Štampa
Univerzal, Čačak

ODRŽAVANJE SKUPA I ŠTAMPANJE OVOG ZBORNIKA PODRŽALO JE
MINISTARSTVO PROSVETE, NAUKE I TEHNOLOŠKOG RAZVOJA REPUBLIKE SRBIJE

© 2017 Kriminalističko-policijska akademija, Beograd

ISBN 978-86-7020-386-0
ISBN 978-86-7020-190-3

**INTERNATIONAL SCIENTIFIC CONFERENCE
“ARCHIBALD REISS DAYS”**

HONORARY COMMITTEE

Goran Bošković, PhD, Academy of Criminalistic and Police Studies, President
Biljana Simeunović-Patić, PhD, Vice Dean of the Academy of Criminalistic and Police Studies
Dragana Kolarić, LLD, Constitutional Court Judge
Tijana Šurlan, LLD, Constitutional Court Judge
Jovan Ćirić, LLD, Constitutional Court Judge
Sima Avramović, LLD, Dean of the Faculty of Law University of Belgrade
Ivica Radović, PhD, Dean of the Faculty of Security, University of Belgrade
Major-General Goran Zeković, Head of the Military Academy, University of Defence, Belgrade
Branislav Đorđević, PhD, Director of the Institute of International Politics and Economics, Belgrade

International members

David D. Stephens, PhD, School of Criminal Justice, Michigan State University, USA
Olivier Ribaux, PhD, Director of the School of Criminal Justice, University of Lausanne, Switzerland
Norbert Leitner, PhD, President of the Association of European Police Colleges (AEPC),
Director of SIAK, Vienna, Austria
José García Molina, PhD, Director of National Police Academy, Ávila, Spain
Hao Hongkui, PhD, President of the National Police University of China, Shenyang, China
Major-General Vladimir Tretyakov, PhD, Chief of the Volgograd Academy of the MoI of Russia
Major-General Valeriy Vyacheslavovich Sereda, PhD,
Rector of the Lviv State University of Internal Affairs, Ukraine
Major-general Vladimir Bachila, PhD, Head of the Academy of MoI of the Republic of Belarus
Piotr Bogdalski, PhD, Rector of Police Academy, Szczytno, Poland
Lucia Kurilovská, PhD, Rector of the Academy of the Police Force, Bratislava, Slovakia
Jozef Meteňko, PhD, Academy of Police Force, Bratislava, Slovakia
Daniel-Costel Torje, PhD, Rector of the Police Academy “Alexandru Ioan Cuza”, Bucharest, Romania
Simion Carp, PhD, Rector of the Academy “Stefan cel Mare”, MoI of the Republic of Moldova
Zoltán Rajnai, PhD, Bánki Donát, Óbuda University, Hungary
Andrej Sotlar, PhD, Dean of the Faculty of Criminal Justice and Security, Ljubljana, Slovenia
Ivan Toth, PhD, Dean of the University of Applied Sciences Velika Gorica, Croatia
Nikola Dujovski, PhD, Dean of Faculty of Security, Skopje, Macedonia
Predrag Ćeranić, PhD, Dean of the Faculty of Security Science, University of Banja Luka, BiH
Nedžad Korajlić, PhD, Dean of the Faculty for Criminal Justice, Criminology and Security Studies,
University of Sarajevo, BiH
Velimir Rakočević, PhD, Dean of the Faculty of Law, Podgorica, Montenegro
Rajko Peković, Dean of the Police Academy, Montenegro

PROGRAMME COMMITTEE

Prof. dr Đorđe Đorđević, KPA, predsednik
Prof. dr Milan Žarković, KPA
Prof. dr Dag Kolarević, KPA
Prof. dr Dane Subošić, KPA
Prof. dr Obrad Stevanović, KPA
Prof. dr Saša Milojević, KPA
Prof. dr Saša Mijalković, KPA
Prof. dr Boban Milojković, KPA
Prof. dr Aleksandra Ljuština, KPA
Prof. dr Radomir Zekavica, KPA
Prof. dr Aleksandar Bošković, KPA
Prof. dr Tanja Kesić, KPA
Prof. dr Zoran Đurđević, KPA
Prof. dr Nenad Radović, KPA
Doc. dr Dragoslava Mićović, KPA
Prof. dr Dragan Ranđelović, KPA
Prof. dr Nikola Milašinović, KPA
Prof. dr Smilja Teodorović, KPA
Prof. dr Stevo Jaćimovski, KPA
Prof. dr Miroljub Blagojević, KPA
Prof. dr Nenad Koropanovski, KPA

MEĐUNARODNI NAUČNI SKUP „DANI ARČIBALDA RAJSA”

POČASNI ODBOR

Prof. dr Goran Bošković, Kriminalističko-policijska akademija, predsednik
Prof. dr Biljana Simeunović-Patić, Kriminalističko-policijska akademija
Prof. dr Dragana Kolarić, sudija Ustavnog suda Republike Srbije
Prof. dr Tijana Šurlan, sudija Ustavnog suda Republike Srbije
Prof. dr Jovan Čirić, sudija Ustavnog suda Republike Srbije
Prof. dr Sima Avramović, dekan Pravnog fakulteta Univerziteta u Beogradu
Prof. dr Ivica Radović, dekan Fakulteta bezbednosti Univerziteta u Beogradu
General-major Goran Zeković, načelnik Vojne akademije Univerziteta odbrane, Beograd
Prof. dr Branislav Đorđević, direktor Instituta za međunarodnu politiku i privredu, Beograd

Članovi iz inostranstva

Prof. dr David D. Stephens, Škola za kriminalistiku, Državni univerzitet u Mičigenu, SAD
Prof. dr Olivier Ribaux, direktor Fakulteta za kriminalistiku, Univerzitet u Lozani, Švajcarska
Dr Norbert Leitner, predsednik Asocijacije evropskih policijskih koledža (AEPC),
direktor Policijske akademije u Beču (SIAK), Austrija
Dr José García Molina, direktor Nacionalne policijske akademije, Avila, Španija
Prof. dr Hao Hongkui, predsednik Nacionalnog policijskog univerziteta Kine, Šenjang, Kina
General-major prof. dr Vladimir Tretjakov, načelnik Volgogradske akademije MUP Rusije
General-major doc. dr Valerij Vjačeslavovič Sereda,
rektor Državnog univerziteta unutrašnjih poslova, Lavov, Ukrajina
General-major prof. dr Vladimir Bačila, načelnik Akademije MUP Belorusije
Prof. dr Piotr Bogdalski, rektor Policijske akademije, Ščitno, Poljska
Doc. dr Lucia Kurilovska, rektor Policijske akademije, Bratislava, Slovačka
Prof. dr Jozef Metenko, Policijska akademija, Bratislava, Slovačka
Prof. dr Daniel-Costel Torje, rektor Policijske akademije „Alexandru Ioan Cuza“, Bukurešt, Rumunija
Prof. dr Simion Carp, rektor Akademije “Stefan cel Mare”, Moldavija
Prof. dr Zoltan Rajnai, Banki Donat, Univerzitet Obuda, Mađarska
Prof. dr Andrej Sotlar, dekan Fakulteta bezbednosti, Ljubljana, Slovenija
Prof. dr Ivan Toth, dekan Univerziteta Velika Gorica, Hrvatska
Prof. dr Nikola Dujovski, dekan Fakulteta bezbednosti, Skoplje, Makedonija
Doc. dr Predrag Čeranić, dekan Fakulteta bezbednosti nauka, Univerzitet u Banjoj Luci, BiH
Prof. dr Nedžad Korajlić, dekan Fakulteta za kriminalistiku, kriminologiju
i sigurnosne studije, Univerzitet u Sarajevu, BiH
Prof. dr Velimir Rakočević, dekan Pravnog fakulteta, Podgorica, CG
Rajko Peković, direktor Policijske akademije, Danilovgrad, CG

PROGRAMSKI ODBOR

Đorđe Đorđević, PhD, ACPS, President
Milan Žarković, PhD, ACPS
Dag Kolarević, PhD, ACPS
Dane Subošić, PhD, ACPS
Obrad Stevanović, PhD, ACPS
Saša Milojević, PhD, ACPS
Saša Mijalković, PhD, ACPS
Boban Milojković, PhD, ACPS
Aleksandra Ljuština, PhD, ACPS
Radomir Zekavica, PhD, ACPS
Aleksandar Bošković, PhD, ACPS
Tanja Kesić, PhD, ACPS
Zoran Đurđević, PhD, ACPS
Nenad Radović, PhD, ACPS
Dragoslava Mićović, PhD, ACPS
Dragan Randelović, PhD, ACPS
Nikola Milašinović, PhD, ACPS
Smilja Teodorović, PhD, ACPS
Stevo Jaćimovski, PhD, ACPS
Miroljub Blagojević, PhD, ACPS
Nenad Koropanovski, PhD, ACPS

P R E F A C E

Dear readers,

In front of you is the Thematic Collection of Papers presented at the International Scientific Conference “Archibald Reiss Days”, which was organized by the Academy of Criminalistic and Police Studies in Belgrade, in cooperation with the Ministry of Interior and the Ministry of Education, Science and Technological Development of the Republic of Serbia, School of Criminal Justice, Michigan State University in USA, School of Criminal Justice University of Laussane in Switzerland, National Police Academy in Spain, Police Academy Szczytno in Poland, National Police University of China, Lviv State University of Internal Affairs, Volgograd Academy of the Russian Internal Affairs Ministry, Faculty of Security in Skopje, Faculty of Criminal Justice and Security in Ljubljana, Police Academy “Alexandru Ioan Cuza” in Bucharest, Academy of Police Force in Bratislava, Faculty of Security Science University of Banja Luka, Faculty for Criminal Justice, Criminology and Security Studies University of Sarajevo, Faculty of Law in Montenegro, Police Academy in Montenegro and held at the Academy of Criminalistic and Police Studies, on 7, 8 and 9 November 2017.

The International Scientific Conference “Archibald Reiss Days” is organized for the seventh time in a row, in memory of the founder and director of the first modern higher police school in Serbia, Rodolphe Archibald Reiss, after whom the Conference was named. The Thematic Collection of Papers contains 131 papers written by eminent scholars in the field of law, security, criminalistics, police studies, forensics, informatics, as well as by members of national security system participating in education of the police, army and other security services from Belarus, Bosnia and Herzegovina, Bulgaria, Bangladesh, Abu Dhabi, Greece, Hungary, Macedonia, Romania, Russian Federation, Serbia, Slovakia, Slovenia, Czech Republic, Switzerland, Turkey, Ukraine, Italy, Australia and United Kingdom. Each paper has been double-blind peer reviewed by two reviewers, international experts competent for the field to which the paper is related, and the Thematic Conference Proceedings in whole has been reviewed by five competent international reviewers.

The papers published in the Thematic Collection of Papers provide us with the analysis of the criminalistic and criminal justice aspects in solving and proving of criminal offences, police organization, contemporary security studies, social, economic and political flows of crime, forensic linguistics, cybercrime, and forensic engineering. The Collection of Papers represents a significant contribution to the existing fund of scientific and expert knowledge in the field of criminalistic, security, penal and legal theory and practice. Publication of this Collection contributes to improving of mutual cooperation between educational, scientific and expert institutions at national, regional and international level.

The Thematic Collection of Papers “Archibald Reiss Days”, according to the Rules of procedure and way of evaluation and quantitative expression of scientific results of researchers, passed by the National Council for Scientific and Technological Development of the Republic of Serbia, as scientific publication, meets the criteria for obtaining the status of thematic collection of papers of international importance.

Finally, we wish to extend our gratitude to all the authors and participants in the Conference, as well as to all those who contributed to or supported the Conference and publishing of this Collection, especially to the Ministry of Interior and the Ministry of Education, Science and Technological Development of the Republic of Serbia.

TABLE OF CONTENTS

TOPIC II

Police Organization – Structure and Functioning

Gabor Kovac

THE FUNCTIONING OF THE MAIN GENERAL PRINCIPLES
OF THE BORDER CONTROL ORGANIZATION..... 3

Vince Vári

POLICE PERFORMANCE MEASUREMENT
IN INTERNATIONAL LITERATURE, ESPECIALLY
ON THE INDICATORS OF LEGITIMACY. DOMESTIC ADAPTION OPTIONS..... 11

Dane Subošić, Dejan Milenković

MANAGERIAL ROLE IN POLICE: DIVIDING INTO FUNCTIONS..... 25

Saša Milojević, Bojan Janković, Boban Milojković, Slaviša Djukanović

EFFECTIVENESS OF THE SCHOOL POLICE OFFICER PROGRAM..... 35

Elena Ivanova, Oksana Dyakonova

THE FORMS OF SPECIAL KNOWLEDGE USAGE
IN THE RUSSIAN JUDICIAL PROCEEDINGS 49

Dalibor Kekić, Miloš Milenković, Obrad Stevanović

THE USE OF GROUP DECISION MAKING METHODS
FOR MAKING DECISION OF POLICE OFFICERS ON PREVENTING OR
INTERRUPTING PUBLIC ASSEMBLY IN THE REPUBLIC OF SERBIA 57

Dragan Milidragović, Nenad Milić, Božidar Banović

MOTIVATORS IN THE WORK OF POLICE OFFICERS 65

Milan Gligorijević, Radosav Popović, Vladan Borović

CONTRIBUTION AND IMPORTANCE OF VIDEO
SURVEILLANCE SYSTEM IN THE SUPPRESSION
OF ILLEGAL MIGRATIONS AND SMUGGLING OF MIGRANTS IN SERBIA 75

Vlada Mitic, Milan Kankaras, Dejan S. Stojkovic

MODEL OF POLICE STRATEGIC ENVIRONMENT ASSESSMENT 89

Zeljko Lazić, Martin Matijašević, Borko Milošević

POLICE CONDUCT IN THE ROMA COMMUNITY
AND RISKS OF THE OCCURRENCE OF DISCRIMINATION 101

Uroš Stanković

POLICE OF THE DEFENDERS
OF THE CONSTITUTION IN RAMAN MEMOIR LITERATURE 111

Miloš Ivetić, Snežana Vla

REVIEW OF THE IMPLEMENTATION
OF COMMUNITY POLICING TRAINING FOR POLICE OFFICERS IN SERBIA 121

Slavisa Krstic

MAKING THE PLANS FOR SECURITY PROTECTION
OF CERTAIN PERSONS AND FACILITIES 133

Nenad Radivojević

GENERAL TRENDS AND PRECONDITIONS IN DEVELOPMENT
OF PUBLIC-PRIVATE PARTNERSHIP IN THE AREA OF SECURITY 143

Ivana Luknar

ORGANIZATIONAL BEHAVIOR IN POLICE 151

TOPIC IV

Strengthening the State's Institutions and Fight Against Crime

Miodrag Simović, Vladimir Simović, Marina Simović

APPLICABILITY OF GUARANTEES SET OUT IN ARTICLE 5 OF THE EUROPEAN
CONVENTION FOR THE PROTECTION OF HUMAN RIGHTS AND
FUNDAMENTAL FREEDOMS TO DETERMINE DETENTION: CHALLENGES OF
JUDICIAL TRANSFORMATIONS IN BOSNIA AND HERZEGOVINA..... 163

Vladimir Veković

REFORM OF CRIMINAL SANCTIONS
SYSTEMS IN JUVENILE CRIMINAL MATTERS IN SERBIA..... 177

Dragan Vasiljevic

THE CONCEPT OF ADMINISTRATIVE MATTER
(Views of jurisprudence, case law and current legislation) 189

Temelko Risteski, Emrah Mihtaroski, Vesna Sijic

OBSTRUCTION OF THE WORK OF SPECIAL
PUBLIC PROSECUTION THROUGH THE PRISM
OF THE CONSTITUTION AND LAWS OF THE REPUBLIC OF MACEDONIA 199

Dragana Kolarić, Saša Marković

NE BIS IN IDEM PRINCIPLE IN THE PRACTICE
OF THE CONSTITUTIONAL COURT OF SERBIA..... 211

Denisov Sergey Anatolievich

CRIMINAL LAW PROTECTION OF INTERESTS OF JUSTICE..... 225

Vladimir Boranijašević

THE ROLE OF THE POLICE IN PREVENTION OF DOMESTIC VIOLENCE..... 231

Nizhnik Nadezhda Stepanovna

POLICE AND CIVIL SOCIETY INSTITUTIONS:SEARCH
FOR A VECTOR OF INTERACTION IN THE FIELD OF COMBATING CRIME 241

Zorica Vukašinović Radojičić, Dejan Vučetić	
NOVELTIES IN THE SERBIAN LOCAL SELF-GOVERNMENT REGULATION.....	253
Lavrinovich Kirill Igorevich	
THE SPECIFICS OF THE IMPLEMENTATION OF THE LAW ENFORCEMENT FUNCTION OF THE MODERN STATE BASED ON THE RULE OF LAW (ON THE EXAMPLE OF THE RUSSIAN FEDERATION).....	261
Željko Nikač, Vanda Božić, Boban Simić	
JOINT INVESTIGATION TEAMS AS A MECHANISM OF THE UN CONVENTION AGAINST TRANSNATIONAL ORGANIZED CRIME.....	269
Radosav Risimovic	
PROHIBITION OF MITIGATION OF PENALTY – EXAMPLE OF DRUG TRAFFICKING	285
Aleksandar Chavleski	
DEFENCE RIGHTS IN EU CRIMINAL LAW: RECENT DEVELOPMENTS.....	301
Dragana Ćorić	
SOME CHARACTERISTICS OF LAWS AS MECHANISMS FOR STRENGTHENING THE PRINCIPLE OF THE RULE OF LAW	313
Dragutin Avramović	
RELIGIOUS PROFILING – THE WAY OF DE FACTO LIMITATION OF RELIGIOUS FREEDOM DURING THE 'WAR ON TERRORISM.....	321
Kesić Zoran	
ABUSE OF NOBLE CAUSE IN POLICING – RISK FACTORS AND CONSEQUENCES	329
Dragana Cvorovic, Veljko Turanjanin	
POLICE ARREST AND HABEAS CORPUS PROCEDURE IN THE CRIMINAL PROCEDURE LEGISLATION OF THE FEDERAL REPUBLIC OF GERMANY (Doctrine, Casuistry of the European Court).....	341
Zdravko Grujić	
EFFECTS OF HOUSE ARREST AS AN ALTERNATIVE TO SHORT-TERM IMPRISONMENT.....	353
Joko Dragojlović, Nenad Bingulac	
SUSPENDED SENTENCE WITH SUPERVISION - UNDERUSED ALTERNATIVE.....	365
Milica Kolaković-Bojović	
STRENGTHENING INFRASTRUCTURAL CAPACITIES OF JUDICIARY AS A PRECONDITION FOR EFFICIENCY OF CRIMINAL JUSTICE	379
Katarina Štrbac, Branislav Milosavljević	
DEFINING PREDICTORS OF ORGANIZED CRIME IN FUNCTION OF STRENGTHENING CAPABILITIES OF THE COUNTRY	391

Neda Savić, Milica Stanković

STRENGTHENING THE JUDICIAL INSTITUTIONS
OF SERBIA IN REACTION TOWARDS TERRORISM –
IMPLEMENTATION OF THE EUROPEAN STANDARDS.....403

Ilija Jovanov

LEGAL CERTAINTY AS A VALUE – BETWEEN WISHES AND POSSIBILITIES.....413

Marija Vujović

THE ROLE OF INTERNATIONAL ORGANIZATIONS
IN SUPPRESSION CHILD LABOR AND ANALYSIS
OF PRESENT CIRCUMSTANCES IN THE REPUBLIC OF SERBIA.....423

Višnja Randelović

THE STATUS OF CHILDREN IN INTERNATIONAL CRIMINAL LAW.....437

Marina Vasić

THE SIGNIFICANCE OF THE OMBUDSMAN
IN THE FIELD OF CHILDREN'S RIGHTS PROTECTION.....445

Mojca Rep

CRIMINAL PROCEDURE ACT AS THE »SKELETONS
OF THE LEGAL ORDER« - WHAT'S NEW IN SLOVENIA?.....453